

From: Glen Buckley

Sent: Saturday, 7 October 2017 10:50 AM

To: Crawford, Graeme <Graeme.Crawford@casa.gov.au>

Cc: John.Costa@casa.gov.au

Subject: Request for meeting with Glen Buckley from APTA (dont roll your eyes)

Dear Mr Graeme Crawford,

You may recall me from this previous email,

"Dear Mr Graeme Crawford,

I am writing to update you on our process in working towards the Part 142 Approval. I have been advised by Mr John Costa that the issue is imminent.

The purpose of my letter is to provide some feedback.

As you are aware I have some concerns about the Process and associated costs. But that is not the purpose of this email.

I would like to convey my appreciation for the exceptional support provided by the Southern Region team. It was obvious that a very significant allocation of resources was made available to my Company and I am very appreciative of that

Every person involved in the process was nothing less than exceptional. I do appreciate that some direction did come from your Office, and that required a number of CASA Personnel to redirect their efforts. Could I respectfully request that you pass my thanks down the line.

Although the Transition process got off to a somewhat slow start, I am very confident that the process is improving significantly. Lots of lessons learned by both sides that will benefit future applicants and facilitate smoother Transitions going forward.

Once again thankyou for your initial direction, and thanks to the Southern Region for so professionally executing the task.

Cheers. Glen."

But alas, I fear you will better remember me, from our meeting in Aviation House on Wednesday 18th January 2017, which I will choose to gloss over if that's OK?

You may recall that towards the end of that meeting you queried me about my "project", which I assumed to be the Australian Pilot Training Alliance (APTA). I brushed your query aside, because I felt I was there as the CEO of Melbourne Flight Training, and that was totally independent to my role as CEO of APTA. In this correspondence however I am writing to you as the CEO of APTA.

I am certainly not "eating humble pie" but; I am, now nibbling at the crust of it. It actually looks and smells quite good. I needed more ingredients than the recipe book said, and the ingredients were much harder to get, I had to cook it much much longer, but it came together very well.

In all seriousness, the Product is exceptional. Not just my own, but I am now truly convinced that any well intentioned, well resourced Part 142 Organisation has a lot to contribute. It is a measurably

safer organisation. On that point I unreservedly admit that component of my initial argument was wrong. It is, Safer.

My project APTA, had an extremely slow start, part due to the 12 month delay of the Transition date. We now have that date locked in by CASA, and I have had significant interest from a number of Operators with three other Organisations joining over the last few weeks. Information about this concept is on our website at www.auspta.com.au. A recent media release has generated a level of interest from a number of media outlets. APTA is not intended to deliver a significant ROI. It is intended and designed from the outset as a means to increase Safety and Quality, while actually stimulating Business. It is an umbrella organisation and the Profit and Loss is fully disclosed to all members including wages and salaries paid. All member subscription fees are re-invested into developing and improving the group.

My area of preference to operate in is, Victoria and Tasmania. If this system works, nothing would give me greater satisfaction, than to see it replicated. To fully reach its potential, it depends on an almost intertwined relationship with CASA, and that is the purpose of this correspondence.

Am I able to request a meeting with the appropriate Personnel within CASA. The request is not urgent, and I appreciate it will require many weeks scheduling. The purpose of this meeting is to find out what CASA wants. How can APTA help CASA to get the product out there. I need to build a strong relationship. I want to work very closely. Ideally I would like to have somebody from CASA placed within the group as a liaison person with all expenses of that deployment met by APTA. That is simply one option, but I would like to explore all options.

My only time constraint is that I anticipate discussing the concept with the media over coming weeks, Australian Flying has approached me and intend to do a fairly comprehensive article on the concept over Christmas

I have included our draft contract that has variations applied to it, as required. In particular the final pages contain the "spirit of APTA". It will give you an overview of the concept. Obviously it has a level of commercial sensitivity attached to it, but I do appreciate that by the nature of this correspondence I am sharing it.

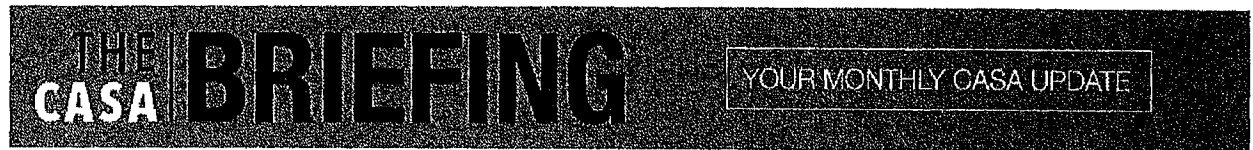
Thankyou for your consideration. I have included Mr John Costa in on this email, as I am sure he is eagerly looking for more things to get involved in, in the lead up to Christmas,

Cheers. Glen.

The CASA Briefing - July 2018

Date of publication: 25 July 2018

who writes this rubbish?



From acting CEO and Director of Aviation Safety, Graeme Crawford

Recent debate about safety regulation and the general aviation sector has focused on the need for a sustainable and viable aviation industry. Implicit in this debate is the suggestion by some people that CASA does not support a sustainable and viable general aviation sector. I would like to assure everyone this is simply not true. There is no CASA agenda against general aviation and we regard the sector as a vital component of the national aviation community. Many of CASA's staff are participants in general aviation, or started their careers in the sector, and have a practical understanding of the issues and challenges the sector faces. CASA can't deliver solutions to the broader economic and social changes that are affecting parts of general aviation, but we can and will do our best to provide an appropriate safety regulatory framework that creates confidence in general aviation across the broader community. It is important that people from outside aviation have trust in the safety performance of general aviation and part of our job is to help ensure that trust is maintained.

CASA is focused on regulatory solutions that are both practical, proportionate and address aviation safety risk. We use available aviation sector information such as accident and incident data, surveillance findings and sector risk profiles to develop informed solutions. With that in mind the term 'general aviation' may not be granular enough as it covers a variety of aviation activities of which there are varying opinions within the aviation community regarding what is and what is not under the general aviation umbrella. Whilst this is challenging it is not unsurmountable and CASA will continue to develop regulatory solutions that consider risk appetite and safety consequences.

Finally, if there are people doubting our words about our commitment to general aviation then please look at our recent actions. Three major reforms this year to the aviation medical system are practical examples of reducing costs and impacts on the aviation community, particularly general aviation. The Basic Class 2 medical, which became available in early July 2018, is targeted at private pilots and makes getting an appropriate medical quicker, easier and cheaper. If you haven't already please find out more about the [Basic Class 2 and other medical reforms \[/standard-page/changes-medical-certification\]](/standard-page/changes-medical-certification).

Best wishes

Graeme Crawford

(Shane Carmody is on leave)

Minister requires CASA to look at costs

CASA is required to consider economic and cost impacts on individuals, businesses and the community in its regulatory approach. That was a key message delivered by Deputy Prime Minister and Infrastructure and Transport Minister, Michael McCormack, to the general aviation summit in Wagga in July 2018. Mr McCormack said CASA was also required to take a pragmatic and proportionate approach to regulation as it applies to different aviation sectors. He said these requirements were contained in the Government's Statement of Expectations issued to the CASA Board in March 2017. "These are not just words," Mr McCormack said. "The statement of expectations is a legislative instrument and I expect the Board of CASA to ensure its requirements are met. I can also assure you that I will work in partnership with our aviation agencies and industry in tackling the challenges and opportunities for the general aviation sector, identified in the Government commissioned Bureau of Infrastructure, Transport and Regional Economics (BITRE) study released late last year. These challenges are diverse. They range from fuel and maintenance costs, airport leases and charges; the impact of some regulatory changes and delays in CASA reviews to a lack of robust data on the general aviation sector. The study also showed that Australia is not alone in facing economic, demographic and regulatory factors affecting general aviation, with several major countries such as the UK, US and Canada also suffering declines in general aviation activity. BITRE's recent release of the 2016 general aviation activity survey has showed some encouraging signs in terms of increased flying activity in some parts of general aviation such as aerial work, flying training and aerial mustering. But I acknowledge that there are still serious challenges facing general aviation. I will continue to listen and carefully consider the issues raised by people in the general aviation sector, and the Government and portfolio aviation agencies will respond appropriately. I am keen to hear from you on the key issues you want tackled by Government and industry that relate to general aviation operations in Australia."

Go to [Michael McCormack's speech](#)

Comment now on new rotorcraft rules

A package of proposed new regulations and safety standards for the rotorcraft sector have been released for consultation. The package is made up of the proposed Parts 133 and 119 of the Civil Aviation Safety Regulations, as well as the manual of standards for Part 133. Part 133 establishes the operating rules for rotorcraft conducting air transport operations and Part 119 covers air operator certificate requirements for air transport. The proposed changes for the first time create a specific set of operating rules for rotorcraft air transport operations. The central purpose of the new regulations is to enhance safety by improving standards in areas of known operational risk. Key changes include introducing an adaptable rotorcraft code of performance, specific mandatory simulator flight crew training requirements for certain rotorcraft, additional flight preparation and planning requirements, new fuel planning and fuel use rules, additional requirements for flights over water and medical transport requirements in line with international best practice and industry feedback. The Part 133 regulations will cover rotorcraft passenger charter, regular public transport, ambulance and cargo operations.

Glen Buckley

From: Carmody, Shane <Shane.Carmody@casa.gov.au>
Sent: Wednesday, 29 May 2019 10:36 AM
To: Glen Buckley
Cc: White, Peter; Crawford, Graeme; Jones, David; Lacy, Brad; Nuttall, Will; Nishizawa, Naomichi; Costa, John; Massey, Michelle; ICC; Richards, Owen; Martin, Craig; McHeyzer, Jason; Derek Buckley; Ermin Guido Javier Jr; Jacqueline Armstrong; Cale Johnston; Coby Ramos; Laveniya Ruthralingam; Andrew Warland-Browne; ben.morgan@aopa.com.au; dick@dsi.com.au; Steve Hitchen; Joyce, Barnaby (MP); Minister McCormack; McLachlan, Colin; Express Aviation; tony_kidd@bigpond.com; Malcolm Yates; David F C De Souza; gillettaviation@gmail.com; John Chew; Max Sereno (Personal); Nathan James; russell lucas; Adam Bren; Marc Grant; Brunt, Caroline; peter@rankinlawyers.com.au; Peter Henry; parnzy@hotmail.com; Paul O'Malley; Sreya Brown; Gerard Lappin; Keith Jeffs; Nick Kranenburg; Kai; Charles.Gunter@aviaaviation.com.au; CEO Vortex Air Elite Acadmey
Subject: RE: Message from Glen Buckley [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Mr Buckley,

Thank you for your letter of 28 May 2019.

In the first instance it is important that I publicly confirm for you (and for those addressees you have chosen to include) that:

There is no administrative action currently pending against APTA, and

That no adverse decisions have been taken by CASA in relation to APTA's authorisations to conduct flight training.

I will review the various matters you have raised and will respond in due course.

Regards

Shane

Shane Carmody
CEO and Director of Aviation Safety
Civil Aviation Safety Authority

p: 02 6217 1001

GPO Box 2005, Canberra ACT 2601
www.casa.gov.au

Glen Buckley

From: Glen Buckley
Sent: Tuesday, 4 June 2019 1:41 PM
To: Carmody, Shane
Subject: Response from APTA
Attachments: CASA notification of interim operations.pdf

Dear Mr Carmody,

Thankyou for your email response.

In your correspondence you claim that there is no "administrative action" pending against APTA, and that response actually clearly highlights the manner in which CASA choose to engage industry, so I thankyou for providing me the opportunity to highlight it.

Attached to this thread is your response, plus the four pieces of correspondence I have received from CASA regarding my "interim operations"

CASA reference f14/9540 was the initial notification. In the last paragraph it clearly states that "within 7 days, whereupon CASA will make a final determination. As the business owner that leaves me in no doubt that my business only has 7 days surety of operations. Note that there are no safety allegations or any regulatory breaches associated with this document, although CASA elects to give me 7 days notice. That surety of operations expired 7 days later on 30/10/18.

On the expiry of that approval on 23/10/19, my business operated on a minute by minute verbal approval. Still there were no allegations of and safety concerns or regulatory breaches.

On 25/01/19 CASA provided a letter to me dated 25th January and stating "CASA could consider interim arrangements to allow the APTA business model to continue in the short term up to three months (CASA underlining).

On 12/02/19 CASA graciously release further correspondence dated 12/02/19 permitting me to continue operations until 13/05/19. Still there are no safety allegations or Regulatory breaches.

On 03/05/19 I receive correspondence permitting an extension to our operations until 01/07/19, which is the current status i.e. less than 1 month surety of operations.

As the Owner of the business, I can assure you that the consequences of your action are devastating on this business, as in fact they would be on any business. This is very substantive action to take against a business, that is not based on a grave and imminent risk to aviation safety In fact the decisions repeatedly made by CASA have nothing to do with safety or in fact any regulatory breaches.

For you Mr Carmody, to claim that CASA is not taking any administrative action may be correct but it indicates the approach that the Aviation Group headed up by Mr Graeme Crawford chooses to engage industry. Very early on in this process, I became very concerned about decisions being made by CASA and I approached the Administrative Appeals tribunal, and that will be on record. Very cunningly the action taken by CASA cannot be appealed. I wrote multiple emails on this topic, but have included the email exchange for your benefit.

On 01/04/19 I wrote to the Industry Complaints Commissioner

Hi Jonathan,

CASA has applied a "freeze" on all my regulatory tasks, some dating back to August last year. Many of these relate to courses that APTA is authorised to deliver i.e. MCC Course, Low Level. The "Freeze" is what has crippled my business, over the last 5 months. If CASA suspend, vary or cancel an AOC, I believe they are obligated to provide an Administrative Decision. I have made a number of contacts with AAT over the last 5 months, and they advise that they have no jurisdiction unless I have that

document. I don't believe that I have been issued with the appropriate paperwork, although admittedly the misunderstanding could be on my behalf. My request is that CASA issue the required document, to give me access to procedural fairness, so that I can contact the AAT. Hope that clears it up, but happy to take a phone call, you probably have it on speed dial, but just in case 0418772013."

The response I received back later in the day from CASA stated;

Hi Glen, i undertook to get back to you about whether CASA's correspondence of 12 February varied APTA's approval, obligating CASA to provide AAT referral rights. I've received legal advice to the effect that the letter doesn't vary the term APTA's Part 141 certificate remains valid. On that basis, CASA wasn't obliged to provide AAT referral rights. Regards Jonathan.

So we have this incredible situation where an operator can be operating in a well intentioned, safe, and compliant manner for almost 15 years. Then without no prior indication or notice at all, CASA can place a restricted date on a business, for reasons not related to safety. When the business owner wants to pursue an appeals process, he is denied it, because CASA have set the whole thing up so that I cannot appeal it. I have only used one example in here, but there were multiple requests over the last 7 months.

I will point out that Chapter 6 of CASAs enforcement manual covers Administrative Action. and I include an excerpt here; The Civil Aviation Act 1988 (CAA) gives CASA the statutory power to address safety issues. One of the ways of addressing these issues is by the use of administrative action to suspend, **vary** or cancel licences, certificates, permissions, approvals, and authorisations that it has issued.....

Therefore Mr Carmody, I am of the strong opinion that CASA has taken action to vary my approval, and therefore I should be able to access procedural fairness as is required. I appreciate the stance has taken on this matter, but it is highly unethical.

If CASA claim that they have not varied my authorisation, I would call on CASA to provide an example of an Administrative Action deidentified, but taken against an Operator. That will clearly demonstrate that the action taken by CASA is akin to Administrative Action, even if CASA elect to try and "smoke it up".

Mr Carmody, this continuing approach by CASA only further highlights the lack of ethics and good governance in the Organisation. As a pilot, and instructor of many years. A lack of ethics and good governance, gets people killed. It really is that simple but significant.

Respectfully. Glen Buckley



Glen Buckley

Group Chief Executive Officer, Australian Pilot Training Alliance

M: 0418 772 013

E: glen.b@auspta.com.au | W: www.auspta.com.au

A: 17 Northern Avenue, Moorabbin Airport, Victoria, Australia 3194



Australian Government
Civil Aviation Safety Authority

Aviation Group

CASA Ref: F14/9540

23 October 2018

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

By email: ermin.i@auspta.com.au

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

Applications

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

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

APTA's website states:

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

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

...

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

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

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

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

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

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

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

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

Unauthorised operations

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

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

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

Proposed refusal

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

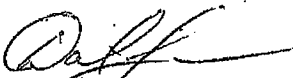
1. The operating bases which the applications relate to are bases that a separate legal entity would be conducting flight training operations at and not APTA;
2. CASA cannot provide an endorsement of what would be an unauthorised operation.

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

Temporary locations

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

Yours sincerely



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



Australian Government
Civil Aviation Safety Authority

AVIATION GROUP

25 January 2019

Mr. Glen Buckley
Chief Executive Officer
Australian Pilot Training Alliance Pty Ltd

By email: glen.b@auspta.com.au

**NOTICE TO PROVIDE INFORMATION AND DOCUMENTS IN RELATION TO
APPLICATIONS FOR SIGNIFICANT CHANGE APPROVALS OF EXPOSITION AND
OPERATIONS MANUAL**

I very much appreciated the opportunity to meet with you and your team at your business premises at Moorabbin Airport on Friday 11 January 2019. As mentioned at that meeting, CASA has not yet made a decision relevant to the significant change applications put forward by APTA. This correspondence replaces my earlier correspondence of 21 December 2018.

As per our discussion on 11 January 2019 and following my attendance at Ballarat Aero Club on 12 January 2019, CASA is seeking additional information from APTA regarding, inter alia, operational accountability arrangements between authorisation holders where necessary functions are performed on a 'contractual basis'. CASA understands that APTA, as the authorisation holder, has entered into contractual arrangements with discrete legal entities, under arrangements whereby those entities are responsible for carrying out certain activities and performing certain functions, under the control and authority of the authorisation holder (APTA). In order to preserve the integrity of APTA's necessary operational control, CASA requires evidence (eg: copies of binding contracts) that this arrangement requires:

- the subordinate entities through which necessary organisation functions are performed *contractually relinquish or subordinate what would otherwise be the kind of operational autonomy they might otherwise entertain (as a corporate entity with the potential to perform such functions on their own accord) to the authorisation holder (APTA); and*
- CASA is satisfied that those contractual arrangements are effectively implemented.

If the requisite information/documentary evidence (eg: binding contracts between the parties) is not yet available, CASA could consider interim arrangements to allow the APTA business model to continue in the short term (up to three months). If APTA would like to seek CASA agreement to interim arrangements, APTA should confirm, in writing, the following requirements:

- provide a commitment that existing and prospective authorisation holders will ensure that all operations can safely be maintained under existing arrangements, in accordance with an acceptable exposition and in keeping with acceptable manuals, procedures and processes; and
- that all parties have a sufficient number of appropriately qualified personnel, and necessary facilities, infrastructure and support materials in place at the locations where their operations are conducted.

The information CASA requires (eg: copies of binding legal contracts) is sought pursuant to:

Regulation 11.040 of the *Civil Aviation Regulations 1998* states:

(1) If CASA reasonably needs more information or another document to allow it to consider an application, CASA may by written notice ask the applicant to give to it information, or a copy of a document, specified in ...

(3) CASA asks an applicant:

- (a) to provide information or a copy of a document under subregulation (1); or
- (b) to provide evidence under subregulation (2);

CASA need not begin to consider, or may stop considering, the application until CASA receives the information, document or evidence.

To demonstrate the efficacy of the APTA model, CASA will also require sufficient evidence that those contractual arrangements are effectively implemented. The evidence observed during the CASA visit to the Ballarat Aero Club on 12 January 2019, and the subsequent correspondence provided to CASA by the Ballarat Aero Club Committee are examples of such evidence.

Requirement to provide documents

You are required to provide the following documents within three months of the date of this notice:

1. Any agreement or other form of contractual arrangement between APTA (or any natural person associated with APTA) and any entity that APTA provides contracted services to (Part 141 and/or Part 142 contracted services).

Requirement to provide information

You are also required to provide the following information within three months of the date of this notice, in relation to *each* of Ballarat Aero Club, Latrobe Valley Aero Club, Learn to Fly, White Star Aviation and Arc Aviation:

1. How APTA has ensured each of the above entities is aware of the civil aviation authorisations held by APTA and associated accountabilities to the legislation;
2. How students at each of the entities are made aware of authorisations held by APTA and how the operational accountabilities are vested in APTA;
3. Whether each entity receives income from students directly;
4. Details of how many students the entities have;
5. A list of aircraft the entities use by registration mark;

6. A list of the facilities each entity uses; and
7. A list of the names of the employees or other persons engaged by the entity.

Your earlier response also stated:

"APTA uses APTA employees on site as required at the locations. We currently have Company employees based at both LTV and Ballarat delivering most of the operations at those locations and drawing a salary from us."

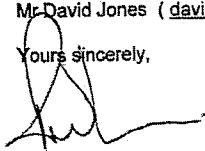
In this respect, you are required to provide the following information:

1. Which APTA employees provide these services; and
2. What services are they providing (eg instructional work)?

The provision of all the above information and documentation is needed to enable CASA to assess the significant change applications, and, to enable CASA to fully understand the arrangements between APTA and its member entities.

I would appreciate you providing your response to our Southern Region Regional Manager, Mr David Jones (david.jones@casa.gov.au)

Yours sincerely,



Peter White
Executive Manager
Regulatory Services and Surveillance



Australian Government
Civil Aviation Safety Authority

AVIATION GROUP

12 February 2019

Mr. Glen Buckley
Chief Executive Officer
Australian Pilot Training Alliance Pty Ltd

By email: glen.b@auspta.com.au

INTERIM OPERATIONAL ARRANGEMENTS – AUSTRALIAN PILOT TRAINING ALLIANCE (APTA)

I write to confirm interim operational arrangements for APTA, following receipt and consideration of your email correspondence dated 6 February 2019.

CASA agrees that APTA can continue operating consistent with the content of the extant APTA exposition, manuals, procedures and processes, for the period up to and including Monday 13 May 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 information/documentary evidence (ie: the binding contracts between the parties previously referred to; and the additional information requested in CASA correspondence of 25 January 2019).

I ask, unless otherwise advised by me, that you provide your response direct (peter.white@casa.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to be 'P. White', written over a horizontal line.

Peter White
A/g Group Executive Manager
Aviation Group



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

Glen Buckley

From: Carmody, Shane <Shane.Carmody@casa.gov.au>
Sent: Thursday, 6 June 2019 4:12 PM
To: Glen Buckley
Subject: RE: Response from APTA [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Mr Buckley.

Thanks for your email.

I understand that it has been made clear to you repeatedly that APTA's CASR Parts 141 certificate and its Air Operator's Certificate authorising operations under CASR Par 142 remain valid until their expiration on 31 January 2020. CASA has not taken any action to vary, suspend or cancel those authorisations.

APTA's authorisations, like anyone else's, remain valid for the time period for which they were issued, *subject to CASA's satisfaction with your continuing compliance with all applicable requirements.*

From correspondence with numerous CASA officers you are aware that CASA has concerns about existing or proposed arrangements in place between you and your affiliates. These concerns relate to CASA's responsibility as Australia's civil aviation safety regulator to ensure APTA and, by extension, APTA's affiliates, conduct flight training operations in accordance with the applicable requirements.

APTA's engagement with CASA has been extensive. CASA has been working with you for many months now to encourage you to establish appropriate legal arrangements with your affiliates. These arrangements would allow CASA to exercise its regulatory responsibilities in relation to you, while you remain legally responsible for the actions of your affiliates under the regulations. I understand that earlier this year in discussions between CASA, you and your lawyer, you undertook to establish such arrangements.

In May this year CASA provided you with detailed guidance, including examples of the 'type' of clauses that would need to be incorporated into contracts between you and your affiliates, if CASA is to be satisfied that regulatory requirements are being met. It is not for CASA to draft your contracts with your affiliates. This is a matter between you and them. But ensuring these contracts accurately reflect the requirements the regulations place on all flying schools is CASA's responsibility. CASA has legislative obligations to fulfil.

As you know CASA sees some merit in your operating model and would like to see it work. But it must comply with the regulations. From CASA's perspective, the only way such compliance can be achieved is through appropriately executed contracts between you and your affiliates—arrangements you have undertaken to establish—and, where necessary, approvals of the kind mentioned in the guidance material we've provided. The new date of 1 July (as extended) referred to in your email is the date by which CASA has asked for these contracts to be made available to CASA for review.

I hope you take the steps necessary to demonstrate to CASA that APTA is able to satisfy the requirements for the safe and lawful conduct of flight training operations. If you are able to do this, then, all other things being equal, there should be no reason why APTA cannot continue to operate until 31 January 2020, and presumably thereafter.

To be absolutely clear, if CASA does not have the evidence we require (i.e. contracts) in hand by 1 July 2019, we will have no choice but to consider what further action we may need to take in relation to the flight training operations in which APTA and its 'affiliates' are engaging.

Regards

Glen Buckley

From: Glen Buckley
Sent: Friday, 21 June 2019 5:04 PM
To: Carmody, Shane
Subject: Message from Glen Buckley requesting meeting.

Dear Mr Shane Carmody,

There are no regulatory breaches. There are no safety concerns expressed by CASA.

CASAs actions have placed significant restrictions on my ability to trade and that has been repeatedly identified to CASA, as has the associated commercial impact. Craig Martin will be the Subject Matter Expert (SME) within CASA.

Within a week, CASA will make yet another decision to allow continuing operations through another temporary approval, or in fact, close the operation down. I don't need to outline the enormous organisational instability that brings to the staff, and my ability to retain them, to customers, students, members and suppliers. These "temporary approvals" have now continued for 8 months and understandably brought the business to its knees. The staff and I are exhausted and drained, so is the business. My Key Personnel must now make decisions about their own employment options, and that impacts on continuing operations amongst the group, with the associated consequences on businesses, staff, and suppliers.

To bring this absurd matter to a close it simply needs one decent human being, acting in a well-intentioned manner, to make a good decision. It is that simple.

It needs one person to give me 3 hours of their time to tell my side of the story. It then needs that same person to spend a further 3 hours revising the Regulatory Philosophy, the functions of CASA, the enforcement manual, the Public Service Commission website, the definition of unconscionable conduct, the PGPA Act, the Ministers Statement of Expectations on CASA, and a familiarity with Administrative Law.

It needs that same well-intentioned person, to then seriously contemplate what it means to operate under the Australian Coat of Arms that will be proudly displayed throughout every CASA office. Reflect on the substance of it, the history behind it, the standards, ethics, governance and integrity that is conveyed by having the privilege to operate under it.

Then simply arrive at a decision.

As you are aware my preference is to resolve these matters through well intentioned face to face discussion. That is the most effective way to resolve any dispute.

However, I have had the opportunity to receive some industry funded and substantive legal guidance on my matter. This meeting was initiated by someone in Industry, and I did not pay for the consultation. This firm does not provide litigation funding, and that necessitates me seeking support from wider industry, should I elect to continue. At this stage there is no obligation on my behalf to proceed. If I do:

The first stage is a relatively straightforward process costing approximately \$50,000. This would provide a robust and detailed overview of the validity of the claim, for both Industry and CASA to consider and would provide full transparency to both parties. On production of the report perhaps I could have the opportunity to meet with CASA again. The case would be based around CASAs failure to deliver clear and concise aviation safety standards, and the effects of that failure on safety and industry, as evidenced by my experience, and no doubt many others.

I am fully satisfied that in fact, CASA have failed to achieve "clear and concise aviation safety standards". That is the root cause of every one of my current issues, and in fact the wider industry's.
I am fully satisfied that 5 personnel within CASA have acted inappropriately, and in my opinion unlawfully, although I respect that that needs to be determined.

My hope is that you could respond indicating if there is a potential change of stance within CASA and a willingness to genuinely resolve the matter via a well-intentioned decision maker that you nominate.

Respectfully,

Glen Buckley.



Glen Buckley

Group Chief Executive Officer, Australian Pilot Training Alliance

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Glen Buckley

From: Carmody, Shane <Shane.Carmody@casa.gov.au>
Sent: Friday, 28 June 2019 5:08 PM
To: Glen Buckley
Subject: Message from Glen Buckley requesting meeting. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Mr Buckley,

Thank you for the email below.

I refer to your email of 4 June and my reply to you on 6 June. I reiterate CASA has not taken any action to vary, suspend or cancel APTA's authorisations. While CASA has concerns about arrangements between you and your affiliates, CASA has been working with you for many months to ensure that the appropriate legal arrangements are in place between you and your affiliates in order for CASA to exercise its regulatory responsibilities in relation to you, and that you remain legally responsible for the actions of your affiliates under the regulations.

Earlier in the year you undertook to establish such arrangements. CASA provided you with detailed guidance, including examples of the 'type' of clauses that would need to be incorporated into contracts between you and your affiliates to assist you to establish such arrangements. CASA has asked that these contracts are made available to CASA to review by 1 July 2019.

As I stated in my previous email to you, failing the provision of the requested contractual evidence by this date we will have no choice but to consider what further action we may need to take in relation to the flight training operations in which APTA and its affiliates are engaging. I sincerely hope that it does not come to this, as stated in my previous email to you, CASA does see merit in your operating model and would like to see it succeed. However it must be done lawfully and you need to be able to demonstrate that APTA is able to satisfy the requirements for the safe and lawful conduct of flight training operations.

Regards

Shane

Shane Carmody
CEO and Director of Aviation Safety
Civil Aviation Safety Authority

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