

Letter sent to Mr Aleck, CASA Executive Manager

Dear Mr. Jonathan Hanton, CASA industry Complaints Commissioner and Mr. Jonathan Aleck, CASA Executive Manager Legal, International, and Regulatory Affairs.

Please note that I have included the Deputy Prime Minister, Mr. McCormack in this correspondence in the hope that he will establish contact with CASA and require CASA that they act with integrity in their dealings with all parties, and most especially the Commonwealth Ombudsman.

I have also included the CASA Board in this correspondence as they are responsible for the good governance of CASA, and most especially, Mr Anthony Mathews in his role as the Chairperson of the Board of CASA.

Under Australian administrative law, persons affected or aggrieved by a decision may be able to apply to the decision-maker, being CASA, for a formal Statement of Reasons. A Statement of Reasons is available if the decision in question could be appealed to either the AAT155 or the Federal Court under the Administrative Decisions (Judicial Review) Act 1977 (ADJR Act)156 and can be obtained by requesting the Statement of Reasons in writing. While not an avenue of appeal as such, obtaining a Statement of Reasons can assist a person aggrieved by a decision to assess whether they have a case worth appealing, by fully explaining the reasons for a decision and the findings of fact and evidence considered by the decision-maker. The Administrative Review Council has identified a number of benefits flowing from formal use of Statements of Reasons, namely they: – provide fairness by enabling decisions to be properly explained and defended – assist the person affected to decide whether to exercise rights of appeal or review – improve the quality of decision making – promote public confidence in the administrative process – assist tribunals and courts to better perform an administrative or judicial review.

With that knowledge, I would like to make a formal request for a Statement of Reasons regarding CASAs' use of the Aviation Ruling and the concept of franchised AOCs.

As you are aware many flying schools throughout Australia operated under a "franchised AOC system", and this was done with CASAs' full knowledge and consent. If CASA refutes that they permitted flying schools to operate under a franchised AOC, could I request that you specifically state that in your response, and include the Ombudsmans office in that response. To support my claim, I would point out that the XXXXXXXXXX was one such example, and that had been operating under the AOC of XXXXXXXXXXXXXX. Similarly, and again with CASAs full knowledge and consent a flying school called XXXXX had been operating under the AOC of my own business, Melbourne Flight Training.

There are many more examples of this throughout Australia and I can provide further details if required. In the context of this correspondence, I will use only those two examples only, as they are pertinent to my case. For CASA to advise the Commonwealth Ombudsman's Office that the Aviation Ruling applied to flying schools is both dishonest and misleading, and I implore you in your dealings with the Commonwealth Ombudsman to act with integrity and not to mislead him. This will

assist in him arriving at a correct and fair determination. As you will appreciate he is dealing with a highly complicated matter. Honesty, good intention, and truthfulness will make his task significantly easier, and provide fairness to all parties.

Regarding this particular request can I have an explanation as to why CASA permitted XXXXXXXXXX to operate under a franchised AOC with XXXXXXXX, but when XXXXXXXXXX was concerned about their existing arrangement with XXXXXXXXXX and elected to operate under an arrangement with my business APTA, that was not permitted by CASA.

For clarity

CASA did permit many flying schools to operate under a franchised AOC system and continued to do so, even after they rejected my application. This practice had been in place throughout my 25 years of involvement in the industry.

If CASA has advised the Ombudsman's Office that in fact, the Aviation Ruling prohibited that arrangement then that is quite simply, not the truth and CASA has deliberately misled the Commonwealth Ombudsman's office. I request that CASA establish contact with the Ombudsman's Office and clarify that in fact, CASA has permitted flying schools to operate under a franchised AOC for more than a decade after the Aviation Ruling was issued. As you will be aware the Aviation Ruling was intended for a completely different industry sector and was written for the Charter sector, and not for the Flying Training sector.

On the introduction of the Aviation, Ruling CASA established contact with flying schools and notified them that the Aviation Ruling applied to the Charter sector only. I have verified this with a number of flying schools, and that is their recollection also. They have offered to provide a Statutory Declaration to that effect if required, or if CASA refutes that statement.

I am extremely concerned that CASA is deliberately misleading the Ombudsman's office to achieve their desired outcome.

I look forward to receiving a statement of reason that clearly and concisely outlines why CASA permitted other Flight Training Organisations to operate under a franchised AOC but not APTA.

Thanking you in anticipation of a well intentioned and truthful response.

Sincerely, Glen Buckley