**From:** Glen Buckley

**Sent:** Wednesday, 24 October 2018 1:28 PM

**To:** David.Jones@casa.gov.au

**Cc:** Nuttall, Will <Will.Nuttall@casa.gov.au>

**Subject:** Message from Glen Buckley for discussion 11.30 AM CASA office Thursday 25/10/18 Dear Mr David Jones,

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

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

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

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

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

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

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

* 3.2 APTA uses a APTA employees on site as required at the locations. We currently have Company employees based at both LTV and Ballarat delivering the majority of the operations at those locations, and drawing a salary from us. At Moorabbin locations that engagement is achieved by the close geographical location and constant engagement. This face to face engagement on a consistent and regular basis is also supported by our well documented, approved and operating procedures. We regularly accommodate and base our personnel at these bases, conduct regular meeting and rove amongst the bases consistently.
* 3.3 All operations are highly supervised by the Chief Pilot. The Chief Pilot is role in a charter organisation. In the Flight Training sector we operate with a HOO and a strong supporting

management team. All systems have been designed from the onset with high levels of supervision and integration. All Personnel at all bases are fully inducted into APTA.

* 3.5 There are no other operating systems other than the APTA systems and all Personnel are fully integrated.
* 6.11 am very much of the view that the activities authorised by an AOC are carried out "within the organisation of the AOC holder" and that all operations are conducted in

accordance with the systems of the AOC holder.

* 6.2 All operations are "under the oversight and management of the key personnel of the AOC holder"
* 6.3 All members utilise the facilities and documentation of the AOC holder.
* 7. As the CEO of APTA I am fully mindful of my obligations and accept total and absolute responsibility for all actions conducted under the AOC at all locations. There is only the one approval for all our bases and we are fully awre that all Flying training operations are APTA

operations.

* 9. CAR 206 defines commercial purposes. APTA delivers only flying training and not Commercial purposes as defined in CAR 206.
* 10. I am of the opinion that all activities are done with significantly more than a "reasonable degree of care and diligence"

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

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

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

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

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

For clarity and planning purposes, can I clarify that CASA intends to do the following: APTA Ballarat Base will be directed to cease operations.

APTA Latrobe Valley Base will be directed to cease operations.

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

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

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

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

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operations.

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

APTA Moorabbin (Vortex) has applied to join APTA, but that request will not be processed. APTA Ballina (Whitestar) will be directed to cease operations as a temporary location.

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

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

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

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

Yours sincerely, Glen Buckley