

Dear (media representative)

#TheCanberraBubble has emerged as *the* buzz term when it comes to describing Parliament House and the government's apparent dysfunctional culture. Facing accusations of gender inequity in its ranks, a barrage of sexual assault and harassment claims, allegations of corruption, bullying and intimidatory behaviour, and public sentiment that Australia's ruling bodies are 'out of touch' with the general population, the government stumbles along through scandal after scandal, often dragging the executive and judiciaries of our democracy with it.

In amongst the turmoil, in November 2020, the Senate Standing Committee's General Aviation Inquiry, heard allegations of misfeasance in public office against (principally three) long-standing public servants from senior management at the Civil Aviation Safety Authority (CASA); including Shane Carmody, the then Director of Aviation Safety, Jonathan Aleck, Executive Manager of Legal, International and Regulatory Services, and Graeme Crawford, Manager of CASA's Aviation Group. The same individuals that were the subject of an investigation by ABC 7.30 Report (Adele Ferguson and Chris Gillett - October 2018) into CASA's behaviour in the matter of Bruce Rhoades's fatal aircraft crash in January 2017 in Western Australia.

The forty minutes of testimony that Mr Glen Buckley, former Director of APTA (Australian Pilot Training Alliance) provided to the Senate Committee, is a snapshot, he alleges, of the depth of wrongdoing and abject failure of the safety regulatory authority to discharge its obligations to his company, the Australian public, and to the aviation industry. The impact of the alleged wrongdoing is substantial having resulted in a number of business closures, loss of associated jobs, and the loss of many millions of dollars to the entities affected.

Under the democratic principle of the 'trias politica' - the separation of powers - each arm of democracy (the parliament, the executive, and the judiciary) should have the power to govern, but also be kept in check by the power of the other arms. The democratic principle is the purposeful dissolution of power to ensure the integrity of all.

This principle, as demonstrated by Glen's story detailed below, is not the modus operandi of CASA. In effect, a law unto itself, it develops the regulations, often as delegated legislation with no parliamentary oversight or control. It has absolute power to govern those regulations. It has the power to decide whether those regulations have been broken. And it has the power to decide the fate of those under its control. CASA, or more specifically, those in power within it, took a mere matter of months to destroy Glen's 25-year flight-training career.

Aviation is weather dependent; and it is a brave aviator indeed that flies in ill weather. Glen's story lays bare the actions of an industry regulator, primarily facilitated by those individuals at the helm, behaving like an ill wind to whomever it chooses. A regulator acting at personal will, and without tangible accountability.

With recent changes at CASA's helm, perhaps now is the time for this story.

Aviation is one of the most regulated industries in the world. From the airline industry to general, sport and even unmanned aviation, no pilot or flight organisation escapes the rules. Rule number one is 'Safety First'. Rule number two is See Rule One. Rule number

three is Comply with Rule Number One and Rule Number Two at all cost. The economics of rules one and two are, for Australia's Civil Aviation Safety Authority, not of paramount concern. With a pot of public money that pays no urgent heed of time, and a legal team to match, the organisation can focus on rules one and two with scant regard for rule three. It has the money and time to afford and protect its self-interests, and to take a far more measured and considered approach to its actions than the often cash-strapped tax-paying organisations that it oversees. Public perception that anyone involved in aviation is just a 'rich dude with toys', although occasionally true, is far from the front-line reality. General aviation in particular, maintenance providers, flight training schools, joy flight operators, private charter organisations, and the like, are, more truthfully, a labour of love.

And in Australia, Glen Buckley was one of those front-line tax-paying organisations labouring away at what he loved. A key general aviation industry participant, his Moorabbin-based, registered flight training organisation, Melbourne Flight Training, had an exemplary reputation, with a team of 25 employees and instructors, and included the necessary approvals to train overseas students. The school also had a safety record the envy of industry for the duration of its operation under his tenure. Glen was living the aviation dream. Glen was also respected by industry as an advocate for general aviation, publicly opposing the regulator on occasion, sometimes passionately.

In 2017, driven by CASA's regulatory overhaul to the flight training organisation certification requirements, Glen used the opportunity to totally overhaul his businesses, The Australian Pilot Training Alliance, and his flying school of more than a decade. MFT impressing the industry, and, evidently, many in CASA. The business addressed industry's economic concerns regarding the new administrative burdens without compromising rules one and two.

But, it seems, not everyone in CASA was happy with Glen.

From September 2018 to October 2019, Glen believes that key senior personnel from CASA launched an attack on the new business – and it went from 'all systems go' to 'dead in the water' in twelve months. Glen's dream had crashed and burned. The organisation's demise not due to poor management, economic mismanagement, a series of unfortunate events, an industry crisis or a financial crisis (historically the usual suspects) or even a one-in-a-hundred-year pandemic. APTA's unravelling was insidious and defied logic, beginning with a single, devastating blow from the regulator itself, and then an unrelenting series of strategically-placed cuts. The full story has more twist and turns than an entire season of Dynasty, and, if Glen's testimony is to be believed, points to a very sour problem with some past and present senior management of Australia's aviation safety authority - CASA.

Below is Glen's story.

An ill wind blows nobody any good.

The first inklings of a catastrophic storm building over Glen Buckley's fertile patch of the aviation industry began a long time ago. In the early 2000s, CASA began drafting

regulatory changes that would significantly alter the flight training school landscape in Australia. After more than a decade of development, it became clear to industry that the proposed legislation, although widely accepted as necessary, would cause significant and often prohibitive financial and regulatory burden on Australia's grassroots flight-training organisations. Many of the schools likely to be most affected would be the quintessential Aussie 'mum-and-dad' businesses, time-poor and financially ill-equipped to afford the implementation and sustainment of the proposed weighty changes. Many of them did not survive, and many of those operated from regional and rural areas; their demise accelerating an historical overall decline in the General Aviation ecosystem in Australia that continues to this day.

At smaller than airline-industry airfields, no flight school means less aeroplanes flying on a regular basis. No aeroplanes regularly in the sky means less work for a maintenance facility. No maintenance facility means private pilots are less likely to hangar their aircraft at the airfield. Less private aircraft in hangars means less income for regional airfields, accelerating a weakening in investment and upkeep. Reduced airfield income means less aviation industry organisations drawn to the field due to lack of available industry services and potentially greater safety risks to aircraft, pilots, and passengers. Not a good outcome by any measure.

Further, a decline in the health of regional and rural airfields may mean private aircraft owners are forced onto metropolitan fields, where yes, facilities are available, but also increased hangarage demand. Flight training, too, would be forced to concentrate at metropolitan airfields. More flight-training and private aircraft owners at metropolitan airfields means more small aeroplanes and their (perceived) safety concerns, over dense suburbs. The changes proposed by CASA, according to Glen, held the potential to further degrade the aviation ecosystem and drive the system towards failures. To the viewing public, failure in aviation looks like aircraft accidents; prime-time viewing that the regulator, the government, and especially the industry, would rather avoid.

Glen had been in aviation for decades. He knew the system was a diaspora, a population geographically scattered, and that the whole was greater than the sum of its parts. Australia, the land of wide-open plains and rugged mountain ranges, relies on a web of remote, rural, regional, and metropolitan airfields. The health of the system relies on the people that work at, and on, those airfields. It relies on the organisations that fly from and to, those airfields. And, the industry relies on the regulator to govern the system; to ensure the safety of all the humans and the aircraft in the system and the public that use the system. But should the system rely on the regulator to manage the business concerns of those in the system? To the extent of its impact on air safety, perhaps. To the extent of deciding a business structure or model, perhaps not. Creating income in aviation is one thing, creating income safely, as is the foremost concern of all things aviation-regulated, is quite another, and the aviation industry is one of **the** most-regulated industries around.

Although Glen's business, Melbourne Flight Training, was metropolitan-based and as a standalone organisation stood to ultimately benefit from the demise of smaller, remote flight-training schools, Glen was never one to shy away from advocating for his beloved industry. He knew that, although at times factious and fractious, the entire industry relies on each part's survival. He believed that many of the regional and more remote flight-training operators would not survive under the new regulations, and that the ripple of small failures would potentially disrupt the entire industry, creating a less safe environment for all.

More administrative staff, more paperwork, more reporting, meant less time in the air for instructors; less time doing the one thing that a flight-training business needed to survive; creating income and doing so with safety, not paperwork, dictating the time frame. Glen saw the incoming tsunami of paperwork, reporting and compliance costs looming darkly on his business' horizon. He fought hard against the changes; his active and vocal opposition to the regulator's legislative proposals is one of public record. Unfortunately, one that, it seems, would come back to haunt him.

Not known for complacency, Glen began thinking outside the box. How to build a business that would weather the impending storm? One that, as required by CASA, focussed on safety first but was still financially viable? Also never one to turn his back on others, Glen knew there could be strength in numbers, and it was from this premise that he turned his mind to creating a business with the following three elements:

1. Getting instructors into the aircraft and focussed on teaching the student (instruction creates income),
2. enlisting a team of specialists to perform the regulatory actions needed to fulfil CASA's compliance requirements for all alliance members (a major expense), and simultaneously providing members access to a well funded safety department.
3. spreading the administrative expense of compliance across more than one organisation, significantly reducing the expense of 2 to each alliance member.

The industry knew that the old system had its flaws; the 'lending' of Air Operator's certificates, and the 'borrowing' of instructors from other off-site flight-training organisations in adhoc scenarios, that, in reality, afforded both companies no real safety oversight. Operators did this because their organisation simply couldn't afford, or didn't have the amount of work for, a full-time Chief Instructor, a full-time Safety Officer, or a designated administrator. Many rural operators simply couldn't attract qualified personnel to rural areas to ensure continued operations.

The current rules for flying school operations and the control of flying schools were hopelessly outdated and written before the advent of mobile phones and the internet. Quite simply the rules were decades behind the advances in technology. It was, for the most part, why CASA was changing the rules. [\[AS3\]](#) And, they were wielding a big stick; change to the new rules before 1 September 2017, or being forced into closure after that date.

Glen understood that CASA was driving change to address what it saw as a failure of the system. But he also believed that CASA had adopted a safety-at-all-cost attitude, a cost many organisations would not be able to afford. The new regulations significantly increased the burden, requiring unacceptable diversion of resources, to tasks that did nothing to improve safety or quality outcomes. Glen, however, sensed the situation had a potential win-win for the regulator and for the industry; a chance for organisations to operate in a way that made the adhoc system safer; transparent, documented, stable, *and* more efficient without the consequences of business-failures and their inevitable detrimental effects on the aviation ecosystem. The system involved organisations working collaboratively to increase safety and compliance. Together the organisations had access to the largest safety department of any flying school in Australia.

So, as the saying goes, if you can't beat 'em, join 'em. Glen contacted CASA and put

forward his concept. CASA welcomed Glen's model with open arms, even so far as to allocate many hundreds of hours of CASA personnel to assist in its development; a total of ten employees from CASA over the course of two years were meaningfully involved. Back and forth between Glen and CASA went the model; information, advice, revisions, amendments, and paperwork for 600 requirements, slowly working towards the definitive document (the Exposition) that would allow his new business to operate. Given the business model was not too different from the current practices of larger flight training organisations, and what he was doing was simply formalising what many in the industry were already doing that CASA had previously tacitly sanctioned, Glen trusted the governing authority to act in good faith. Even to the extent of providing the regulator with commercial-in-confidence documents such as the proposed business contracts for alliance members. Glen was incredibly grateful for the professional assistance and advice of CASA in developing his Exposition.

With CASA well and truly on board, and after an investment of hundreds of thousands of dollars of his own money, Glen (and CASA) had built APTA; The Australian Pilot Training Alliance. CASA hadn't simply been consulted, APTA had been built on approved CASA material, on hours and hours of extensive consultation, on good faith and mutual aims. Every one of the many hundreds of procedures was fleshed out with CASA personnel, assessed by CASA personnel, and signed off by CASA personnel, before undergoing a peer review within CASA. The system gaining full CASA approval in April of 2017.

It is also well known that CASA has an active and eager legal department; Legal, International & Regulatory Affairs. CASA employees do not make big decisions autonomously and without context; there are processes and approvals and implications to be considered. When CASA makes a decision, it makes an informed decision. A *very well-informed* decision. It would be remiss to not stress this enough. CASA is an organisation of educated, well-informed, aviation and legal personnel whose ultimate purpose is to ensure the safety of pilots and public. The organisation takes its responsibility to oversee safety in the aviation industry very seriously, at whatever, it considers necessary, cost.

But CASA didn't simply advise and consult and provide quality information through its wide-angle legal-context lens to Glen over those two years of development; CASA also recommended a number of rural and regional flight training organisations that would benefit from being a part of APTA. Alliances were forged, organisations joined the cause, CASA appeared to be smiling down upon it all; APTA was set to be a working model. Five organisations, one administrative setup, expensive expert personnel employed to fulfil CASA's new compliance and safety requirements, and an IT system that provided 360-degree oversight of flight safety, all using CASA-provided manuals and compliance systems. Of note, is that the system was set up so that CASA could, at any point, log onto and *be* an active part of the system. At any moment CASA could see exactly what APTA was doing in relation to flight training, from flight and aircraft records to staff training, communications, and instruction delivery. A first for the flight training industry, providing total transparency, full oversight, and all with CASA's blessing.

Too good to be true comes to mind.

In April 2017, CASA approved APTA. Four months before CASA's September deadline for transition to the new rules.

Glen thought he was on a winner. The new rules hadn't come into force for the industry yet. He was ahead of the game. In a field of what had been around 350 organisations,

he now had a mere 12 competitors that were also approved. Ready to roll it all out, he had CASA on side and assurances from the authority that they wouldn't extend any deadline. So far ahead of the game, who *wouldn't* want to be *that* business? Glen, and his alliance organisations, stepped fully into their gold-standard business.

Then, just weeks after certifying APTA as a fully-fledged flight training organisation under the new rules, CASA moved the goal posts. The storm had begun to brew.

Whereas it is said that all is fair in love and war, the same is not said for business. There are rules by which businesses must abide or face consequences. Both federal and state laws exist; fair trading, insider trading, trading whilst insolvent. CASA's remit, however, is not the business of business, it is not concerned with competitive economics. The industry needed flight training organisations able to *safely* comply with the new rules, and safety is paramount. To be fair, CASA really had little option. Rightly or wrongly, in August 2017, the vast majority of flight training organisations were simply not ready. Faced with a tsunami of flight training organisations potentially in breach of the Act, CASA extended the 'big stick' date by a year. Glen was dismayed.

In striving to be ahead of the game, Glen had employed the experts, setup the software, invested over 200k, and was working the new system. The two training organisations that made the business an alliance, Melbourne Flight Training and TVSA Pilot Training at Bacchus Marsh, as approved by CASA, were also heavily invested. Working the new rules and operating a flight training curriculum that wasn't required for another 12 months, however, was costly. Very costly for all involved; except CASA that is. But then CASA is not in the business of making money – and rightly so. But Glen's business, before the real game had even started, was now operating under financial pressures not of its own, or even force majeure, creation.

Being on the back foot is never a good position for a business. The aim was always to grow, to offer others the opportunities of safety *and* the efficiencies and opportunities that APTA presented. They say there is always opportunity in a crisis, so Glen sucked up the cost, borrowing heavily from his family, and got on with funding the associated salaries and procedures for the next 12 months whilst waiting for the postponed legislation to be introduced. He figured it would only be a matter of time before everyone caught up, therefore, best to be on the front foot.

In November 2017, APTA was due for its first big CASA audit, called a Level One. This meant a week-long review of APTA's operations. Happily for Glen, it passed, along with the alliance's bases, MFT at Moorabbin, TVSA at Bacchus Marsh, and, significantly, the temporary bases, AVIA and Learn to Fly, both at Moorabbin. No concerns were raised about the business model or its operations. As far as the business was concerned, CASA's audit had further provided confirmation that APTA had dotted all its I's crossed all its T's. Glen saw a future.

CASA had previously suggested a number of other aero clubs and training organisations to Glen that might fit into his business model. Latrobe Valley Aero Club was one of those small, rural flight-training organisations struggling to fit into CASA's new rules. It looked at Glen's business model and saw a good option. After CASA raised a number of issues with Latrobe Valley operations that were subsequently rectified, Latrobe Valley began operating under APTA's umbrella on 21 May 2018, via a CASA-approved 'Temporary Base Procedure'; a procedure that had been recommended to Glen by CASA. It allowed a flight-training organisation to continue operating under the full operational control of APTA whilst CASA assessed the application to approve ongoing and permanent

operations. Incredibly CASA would later try and allege that the very procedure they recommended was unlawful. This was a standard and well-utilised industry practice, and Glen was confident that, in collaboration with CASA, Latrobe Valley could become another alliance member.

Those patches of grey cloud on the horizon, however, were coalescing .

CASA's personnel operated in teams referred to as a Certificate Management Team (CMT). A system that CASA found ineffective at delivering standardised policy application and only recently disbanded. May 2018 heralded the arrival of a new Regional Manager and subsequent reshuffling of the existing team members assigned to manage each flight training organisation's certificate. Glen's old team had been pivotal to the successful development of the APTA business model. The new team, of eight inspectors and a manager, however, exhibited two concerning characteristics. The first being that one member of the new team had an established reputation in the industry as someone "not being professional to work with".

Glen's concerns were so significant that he requested a formal one on one, ON the record meeting with the CASA Regional Manager. The meeting proceeded and Glen's concerns were noted. Although Glen was unable to return to the CASA team, he had worked with for the previous decade, he at least felt some security in the fact that he had formally raised his concerns and they would now be held on file within CASA.

The second was that communication from the new CASA management team began to dry up and any communications that did exist had a very different "feel" about them; His concerns were also shared with his Management Team. Glen found this more than a little worrisome. He began to wonder whether the new team either hadn't received a substantive handover from the old team regarding APTA, or, because the model was 'different', they simply didn't understand it. Or perhaps the team member that wasn't a fan, was causing some friction? Glen wasn't surprised to find out later that the CASA employee he previously formalised his concerns about, was one of the "key players" in initiating the CASA action.

Regardless, Glen, with no real evidence to back up a niggling feeling of unease, proceeded with his business plan. He continued marketing the new business as a successful, working model and moving amongst aviation circles, spreading the word. By early 2018, aeroclubs and training facilities as far as Brisbane, Darwin and Ballina were either interested or already operating under APTA temporary base procedure. Although on the back foot financially and with now with 60 approved competitors, things were still looking up for APTA in mid-2018, as the bulk of the industry played catch-up as they headed towards the revised big-stick deadline.

In June 2018, APTA sent in the paperwork to CASA for Latrobe Valley and Ballarat Aero Clubs to be formalised as permanent operating bases of APTA (rather than temporary). CASA had already approved several schools to operate under APTA, so felt confident there would be no significant hurdles. Then, in August 2018, APTA also asked to add a new base for Learn to Fly at Moorabbin who already had a base operating under APTA and Whitestar Aviation which was to be a new base in Ballina. The addition of permanent locations were considered to be significant changes to the Exposition – the document that CASA had helped Glen build. Glen followed every CASA approved procedure in his Exposition.

The next big compliance hurdle, however, was for Latrobe Valley to undergo its

Temporary Base audit, this being part of the CASA approved procedure in order to move from a Temporary base to a Permanent base. APTA welcomed the CASA team to Latrobe Valley on 3 September 2018 and the audit went well. An exit interview is required by the regulations and any concerns regarding the operation must be raised at this onsite exit meeting; that is, *on the day*. None were raised, the team left, everyone was happy – or so it seemed. Latrobe Valley, with a clean bill of health, was left to continue to operate under the Temporary Base procedure and move towards permanently joining the business.

But, that niggling unease? The grey clouds on the horizon? On the 23rd of October 2018, they turned into a storm.

Without any sign, signal, or warning, the winds changed dramatically. CASA pivoted 180 degrees on its official position on APTA's business model. On that Thursday morning, APTA's Group Head of Operations received a carefully considered and worded email from CASA, with the subject; "A Notice of Proposal Refusal to Approve Significant Changes to Exposition and Operations Manuals".

The ramifications of that notification were significant. The correspondence advised that in 7 days time CASA would most likely make a determination that APTA would not be able to continue operating.

The notification also advised that Glens own flying school of more than a decade was now inexplicably an unauthorised operation, both Ballarat Aero Clubs and Latrobe Valley Aero Clubs would be directed to cease operations, strangely LTF Moorabbin base could not move to its new and improved facility but would be permitted to continue operating from its smaller and inferior facility, AVIA which was already a fully CASA approved base would have its approval reversed, ARC aviation currently operating as a Temporary location would be directed to cease operations, as would Whitestar base in Ballina. New applications for Simjet, and Vortex would not be processed, and no further customers could join. The notification also advised that he was in contravention of the Aviation Ruling, and the Regulations, and may be subject to CASA enforcement action. Both the Ombudsman and CASAs own legal advice received much later, indicated that in fact he was not in breach of the regulations. A fact that Glen was well aware of. Unfortunately both the Ombudsman's determination and CASA own legal advice arrived too late.

The entire notification came with no prior warning. One can only imagine the feelings that would have overwhelmed Glen when he received the notification. Not only was he about to lose his own flying school, he had inadvertently dragged many others down with him.

Despite historical support for the business model, CASA pointed to an Aviation Ruling (an advisory setting out CASA's policy or position on a particular issue) regarding the *franchising of commercial operations*, purportedly disallowing APTA. Just like that. In October 2018. Not during all those discussions? Not three years before, during the development phase, when CASA was made aware of the franchise model? Not before approving the model in April 2017 and granting the new-rule, 'Part 141/142 Certificate'? Glen was stunned. What CASA was proposing was that an Aviation Ruling from March 2006, when the ruling had been written for *air charter operations*, and subsequent amendments to the Civil Aviation Act in 2014 had seen flight-training organisations *specifically excluded* from that part of the Act. An Aviation Ruling, that did not apply to his business, was apparently being used to blow shut the school's doors.

The email also stated that any of the organisations or temporary bases operating flight-training from locations other than APTA's head office at Moorabbin, were likely in contravention of the Act, and further that, as APTA had facilitated the contravention, it may face 'enforcement action'. APTA had a mere seven days to respond or most likely be stripped of its certification. And if it did try to state its case, it had to provide the relevant contracts with alliance organisations that proved APTA was the official on-site operator of the flight-training organisation at each of those locations. Only Glen had already provided the relevant master documents of alliance member's contractual arrangements with APTA to CASA, on a number of occasions during the previous two years. A fact CASA initially denied until he was able to provide evidence. All CASA were really missing were the signatures,

Ignoring for a moment the legal integrity or otherwise of CASA's email, what its shift in direction really signified and where it bore the greatest immediate implication, having effectively placed APTA on one week's notice of impending closure, was Glen suddenly had nothing to sell. Without a legally-operating business structure in a highly regulated industry, Glen effectively had nothing. The email, although it wasn't expressly worded as such, was a death warrant for the business. The actual execution, however, was still nearly 12 months away. Glen, at this point, had simply been hung out to dry. Slowly. In a very ill wind.

The implications of CASA's decision to reject the business model as 'disallowed', slammed into Glen. Those pesky laws that businesses need abide by to legally operate? With just seven-day's notice of the possible termination of APTA, how could Glen legally, let alone morally, continue to take on, or allow his temporary bases to take on, new students? If students had no certainty of finishing their training and being issued a license, why on earth would they train with APTA? How could he legally, let alone morally, take new alliance members on board? With APTA potentially unable to continue operating, why would new members even look at his model? And how could he legally, let alone morally, continue to operate at a cost of more than \$20,000 a week when income, already an issue, with no new students moving through the system, was suddenly looking dire? What would the lawmakers have to say about that?

And Glen certainly couldn't simply pretend to his members that he hadn't received it, keep half a dozen bases operating under the pretence that everything was going to be OK, send back the requisite paperwork and hope for the best. Aside from Glen's personal expectation of integrity, aviation is a small industry. To threaten the closure of that number of flight-training bases, everyone would know within minutes and confidence in his business would be lost immediately, and his hard earned reputation would be in tatters.

Glen immediately spoke to the bases and his employees and powered on. He advised CASA they already had the master contracts, but also provided copies with signatures. Glen also requested more information from CASA as to how to move forward and rectify the perceived issues. Then Glen rang and spoke to David Jones, the new Regional Manager. According to Glen, Mr Jones said he wasn't really 'all over the matter', but strangely, *he had signed* the letter. Mr Jones said he would organise a team meeting to 'bring him up to speed'. A seven-day notice of termination of a sizeable business had been delivered to the organisation but the person signing the letter of proposed termination, needed to be 'brought up to speed'?

CASA had also contended, that their legal department had not, until now, been aware of the franchised structure of the business. An extraordinary claim given that, as one of the

very first flight-training schools to be issued with the new training certificate, APTA would hardly have been able to slide under the radar. If anything, it would have been the subject of much closer legal and regulatory scrutiny.

Glen pushed CASA to admit that the 2006 Aviation Ruling did not apply to flight-training organisations. For a full nine weeks, whilst CASA deliberated, Glen was allowed to operate, basically haemorrhaging cash. CASA then admitted the Ruling didn't apply, checked its wind, and changed tack.

Temporary Base procedures became the problem. CASA asserted that the procedure it had developed, and further, approved APTA to operate the LFT and AVIA bases under, was *not designed for flight training organisations*. Glen pointed out the Temporary Base procedure had been included in CASA's very own 'how-to-set-up-a-flight-school guide'. Again, CASA permitted Glen to continue operating, further haemorrhaging cash. Then, CASA admitted the Temporary Base procedure was not an issue, checked its wind again, and changed tack.

The new Certificate Management Team finally delivered the paperwork of the audit findings for Latrobe Valley. With the Act requiring CASA to provide these findings within seven days of an audit, it had been nearly three months. Remember that exit meeting? The exit interview, as required by the regulations, where any concerns regarding the operation are to be raised? The one where the auditing team had said there were none? Well, miraculously, suddenly, there were plenty. Glen was beginning to feel that this was more than a change of heart related to his business model. But he took a deep breath and leant into this new CASA-created headwind, asking what needed to be done to rectify the problems. More weeks passed whilst Glen waited for an answer. Glen was still 'allowed' to operate, although exactly what he had to operate anymore, with no new clients and no new alliance members, and critically, no new income, was fast becoming uncertain.

Glen became increasingly frustrated. Time and again, in dozens of emails and phone calls, he had asked CASA what APTA *needed to do to comply* in order to operate. Pleading for face-to-face meetings, clarification of any alleged breaches of the Act, he begged for direction. All through November, December, then January, February and March of 2019. Time and again Glen received either no answer, a 'you are required to fix this' answer, or no constructive answer. Time, however, was something that CASA had plenty of and Glen had none. Infuriated by months of inaction, the purposeful dragging of bureaucratic feet, and a gut-wrenching fear of the corresponding explosion of debt, Glen's grey skies got darker by the day.

With little apparent left to lose, Glen, feeling entirely cornered, began lashing out. His correspondences, perhaps understandably, became increasingly urgent, penned in ink the colour of frustration, and drying that ink was a whirlwind of Glen's commitments, obligations, responsibilities, liabilities. His exasperated requests for direction and guidance from CASA, over those five months, ever more frustratingly for Glen, continued to go unanswered. Yet still, for those five months, Glen's business and its members were allowed to 'operate'; all the while Glen was borrowing more and more money from family to prop it all up.

CASA, either unable to unwilling to respond fruitfully to Glen's letters, had however, found time to contact the alliance members and temporary bases, advising them they were possibly operating in contravention of the Act, that the structure of the business model was illegal. Under threat of losing their businesses entirely, APTA's temporary

bases and prospective members understandably began abandoning ship; the dismantling process had begun.

Finally, after nearly eight months of wholly unproductive to and fro, with APTA bleeding operating costs from every open wound, CASA delivered the fatal blow. In (June 2019?) it demanded that Glen's original business, Melbourne Flight Training, be absorbed into the deconstructed APTA business. With nothing left operating as a franchised part of the business structure, nothing left in his bank account, and a huge bill of debt to his creditors and family, Glen lost all hope, selling APTA for a fraction of its previous value and became relegated to employee, CASA's actions, or inaction, had effectively destroyed the franchise business model and removed Glen from direct operational control of even his own business.

Only weeks later, and after the loss of his two businesses, APTA and MFT, CASA wrote to his Employer directing that his continuing employment was "*no longer tenable based on comments that he was making publicly*", presumably on a pilots forum called PPRuNe, now with over ¾ million visits to Glen particular matters. [Glen Buckley and Australian small business -V- CASA - PPRuNe Forums](#)

After over a quarter of a century in the flight-training industry and twelve months battling the storm, Glen was done. He had been forced to leave the industry both a broke and broken man. None of this based on a safety issue or a regulatory breach, simply the opinion of a CASA employee.

CASA's remit as a safety regulator is to regulate the industry for safety. Its mission is 'to promote a positive and collaborative safety culture through a fair, effective and efficient aviation safety regulatory system, supporting our aviation community'. At no point has CASA been able to prove that Glen's business franchise model was deleterious to aviation safety. CASA has tabled no evidence to suggest that aviation safety had or has been compromised by operating in the manner of franchise as utilised by APTA. In effect, temporary bases overseen by a head office, approved by CASA, and arrangements whereby Air Operator's Certificates are effectively shared, have more or less operated in the industry before and since the demise of Glen's CASA-sanctioned business model. Which begs the question, *why Glen?*

Just months later, the Commonwealth Ombudsman found that the business structure, as operated by APTA and approved by CASA, was not illegal. Too late for Glen. Far too late. He had lost everything. In February 2021, Glen was officially declared bankrupt. Forced to leave his beloved aviation industry at age 56, he knows he cannot recover. But he can fight. And, although, in the writer's opinion, Glen is severely traumatised by the battle lost, he is determined to fight for justice, for his reputation, and for his peace of mind. In pursuit of the truth, Glen has exhaustively demanded answers from CASA, approached the Deputy Prime Minister and Minister for Transport, Mr Michael McCormack, MP Barnaby Joyce, and the CASA Board, without success. Glen has also made Freedom of Information requests, returned almost entirely redacted. He has submitted his extensive list of complaints regarding CASA's treatment of APTA to the Industry Complaints Commissioner and has since tabled his story and answered questions at A Senate

Inquiry. Glen's ordeal is currently being assessed by the Commonwealth Ombudsman and is the subject of ongoing legal action. Several CASA employees have now come forward and offered to tell the truth. Glen has extended an offer to the Ombudsmans Office to meet with those CASA employees to assist in his determination.

Author's note: APTA continues to operate without any connection to Glen Buckley.