



Australian Government

Australian Transport Safety Bureau

Your reference: 5773/08  
Our reference: VH-ROO  
Contact: Patrick Hornby (02) 6274 8136

5 June 2012

Mr Mark Roberts  
Coroner's Registrar  
Coroner's Court of Victoria  
Level 11  
222 Exhibition Street  
MELBOURNE VIC 3000



Dear Mr Roberts

**RE: Robert How Inquest**

Thank you for your letter to Mr Martin Dolan, received 5 March 2012, concerning the findings of the Coroner arising out of the inquest into the death of Robert How. Mr Dolan has asked me to respond on his behalf as I have responsibility for developing revised legislation that relates to the Coroner's recommendation:

*That the Director of Aviation Safety of the Civil Aviation Safety Authority [CASA] and the Chief Commissioner of the Australian Transport Safety Bureau [ATSB] conduct a review of the current safety reporting requirements on Aeroclubs to re-assess whether the current reporting scheme allows for the timely and effective reporting and investigation of complaints of air safety breaches.*

In response the ATSB can advise that it commenced a review of the accident and incident reporting requirements under the *Transport Safety Investigation Regulations 2003* (TSI Regulations) prior to the inquest. A draft set of revised regulations was released for industry consultation in October 2010 (see: [http://www.atsb.gov.au/about\\_atsb/legislation/tsi-amend.aspx](http://www.atsb.gov.au/about_atsb/legislation/tsi-amend.aspx)). Since that time the ATSB has been working with CASA and the industry on a further draft which will be released for consultation on Tuesday 5 May 2012. We will provide the Coroner's Court with a copy of the consultation package at this time.

In advance I can advise that the consultation package includes a proposal to provide CASA with open access to the notifications that the ATSB receives under the TSI Regulations. Although the ATSB is not a regulatory body and does not focus on breaches of legislation in its investigations, CASA would be able to use the accident and incident reports to perform its regulatory functions as it considers necessary.

The ATSB wishes to advise though that CASA already receives a certain amount of information from reports received in accordance with the TSI Regulations. However, in accordance with Information Privacy Principles in the *Privacy Act 1988* (CTH), not all personal information is disclosed in every circumstance.

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Under the revised scheme there would be no limitations on CASA's access to and use of the information. The industry will have an opportunity to comment on this proposal.

The consultation package also includes a regulation which would impose a reporting obligation on Recreational Aviation Administration Organisations recognised by CASA. This revision is intended to improve reporting in the Sport and Recreational Aviation sector.

A further aspect of the consultation package is a review of the voluntary and confidential reporting scheme administered by the ATSB. This scheme encourages persons in the industry who have a safety concern to report it confidentially where they may otherwise fear retribution if they reported it openly. Confidential reporting is an important component of the safety system for the sourcing of information that may reveal the presence of risks to safety.

The ATSB trusts that the information supplied, and in the consultation package to be subsequently provided, assists the Coroner as a response to the recommendation. If anything further is required, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Patrick Hornby', with a long horizontal line extending to the right from the end of the signature.

Patrick Hornby  
Manager – Legal Services