



Australian Government
Civil Aviation Safety Authority



OFFICE OF THE DIRECTOR OF AVIATION SAFETY

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Senator the Hon Bill Heffernan
Chair, Senate Standing Committee on Rural
and Regional Affairs and Transport
Parliament House
CANBERRA ACT 2600

Dear Senator Heffernan

Clarification of statements made at Estimates hearing on 24 February 2014

I write regarding certain statements I made at the Senate Rural and Regional Affairs and Transport Legislation Committee Estimates proceedings on 24 February 2014.

At page 54 of the relevant *Hansard*, I said: 'We also have a proposal which we have had under discussion for some two years to introduce civil penalties to replace the strict liability criminal offences. . . .'. This may have left the Committee with the impression that all strict liability criminal offences would be replaced by civil penalties, which will not necessarily be the case. It is envisaged that, in due course, most, if not all, of the criminal offences in the regulations (which are virtually all strict liability offences) will become civil penalty offences, with the more serious offences being elevated into the Civil Aviation Act as offences requiring (again, in most if not all cases) proof of intent. The expectation is that such changes will be introduced incrementally, and these particular proposals are not expressly captured by the current drafting instructions.

At page 59 of the relevant *Hansard* I indicated that the Administrator of the United States Federal Aviation Administration, Mr Michael Huerta, 'does fly'. While this was certainly true of Mr Huerta's immediate predecessor, Randy Babbitt, I am advised that Mr Huerta is not, in fact, a pilot.

At page 61 of the relevant *Hansard* Senator Gallacher said: 'So, for argument's sake, we will use Qantas. So, the CEO, being Alan Joyce, he would also be the [Air Operator's Certificate] AOC holder and the responsible person for that?' I responded: 'Not in that particular case; he has two other people who hold the AOCs as a responsible person, which is permitted'.

While different carriers who are part of the Qantas Group of companies hold individual AOCs (e.g. Qantas Airways Ltd, Eastern Australia Airlines, Sunstate Airlines), on reflection, I expect Senator Gallacher was referring to Qantas Airways Ltd, in which case my remarks may have given the impression that Qantas Airways Ltd had two 'AOC holders'. That is not the case. While CASA may identify different individuals within the organisation as those with whom CASA may deal directly, on a day-to-basis, in relation to different aspects of Qantas Airways's operations, those individuals are effectively agents of the single AOC holder (i.e. Qantas Airways Ltd) of which there is only one principal (i.e. Chief Executive Officer), namely, Mr Joyce.

I hope this advice clarifies matters, and I apologise if my comments have been in any way misleading.

Yours sincerely

John F. McCormick
Director of Aviation Safety