

**From:** Dolan Martin  
**Sent:** Wednesday, 10 February 2010 1:31 PM  
**To:** ATSB Officer  
**Cc:** Sangston Ian;  
**Subject:** RE: Norfolk Island and CASA [SEC=UNCLASSIFIED]

Thanks very much for this. My discussion yesterday with John McCormick gave me some confidence that CASA was looking for systemic answers and amenable to our approach. Since then, CASA has changed its rhetoric and seems to be hardening its view that there has been a regulatory breach that needs to be addressed.

I think it would be helpful if you and other addressees could meet with me so that we can agree the best way to manage our relationship with CASA in the course of this investigation.

[ – could you please try and find a time (up to an hour) where we all have space in our diaries.]

Thanks

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**From:** ATSB Officer  
**Sent:** Tuesday, 9 February 2010 09:41  
**To:** Dolan Martin  
**Cc:** Sangston Ian;  
**Subject:** Norfolk Island and CASA [SEC=UNCLASSIFIED]

Thank you for our chat yesterday; it was very useful to me, at least. As a consequence, I've been pondering.

We were discussing the potential to reflect the intent of our new MoU that describes the 2 agencies as 'independent but complementary'. We discussed the hole that CASA might have got itself into by its interventions since the ditching, and how you might have identified an optimum path that will maximise the safety outcome without either agency planting egg on the other agency's face.

Right now, I suspect that CASA is entrenching itself into a position that would be hard to support. If we were to contemplate an exit strategy, or an 'out', then CASA would need to recognise that it is 'in' something in the first place. This is my take of how I see their position at the moment.

When the aircraft ditched, both the flight crew and the operator stopped their Westwind Aeromedical operations. CASA coached and guided the operator very well as they collaborated to develop a much safer process to avoid a repetition of this accident. This has happened, and Pel-Air are now operating again. The same thing hasn't happened to the flight crew. While they may not have been the 'Aces of the base', they were following the relevant procedure provided by both CASA and their operator. This is an opportunity for CASA to follow the same approach with the flight crew as they have done with the operator.

As a systemic investigator, we see 3 separate slices of 'Reason cheese' with aligned holes ( flight crew, operator & rule-maker), and we want to seal all those holes. The operator has now been realigned, and I think CASA has done a very good job in helping them. For the flight crew, they do need realigning to ensure they now meet the updated Ops manual requirements. For the rule-maker, I would be extremely satisfied if they then proactively realigned everybody's understanding of this operational risk, and how it can be managed in the future.

As we discussed yesterday, following the ditching, everything went (metaphorically) 'up in the air'. CASA has done a good job in realigning Pel-Air while it was still in the air so that it returned to earth with a much better take on how to manage this risk. Unfortunately, they took action on the flight crew without first contemplating their end-game. If they reframe their pre-emptive action with the flight crew to show that they had managed all the levels of safety management by simply putting the pilots' permissions to fly on hold until they had found the problem and remedied it, then they would look far better than if they tried to prosecute the probably indefensible and hardly relevant.

We will be telling this story in our final report (if not earlier;) so why not make the most of this opportunity for both agencies to publicly work harmoniously, in a parallel direction?

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