



Australian Government
Civil Aviation Safety Authority

OFFICE OF THE DIRECTOR OF AVIATION SAFETY

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Senator Glenn Sterle
Chair, Senate Standing Committee on
Rural Affairs and Transport Legislation
Suite SG-62
Parliament House
CANBERRA ACT 2600

Dear Senator Sterle

**Budget Estimates Proceedings
May 2010, October 2010 and February 2010**

I am writing to clarify certain statements I made to the Committee in relation to a number of questions raised in relation to Michael Hart, who was formerly employed by the Civil Aviation Safety Authority (CASA) as the Industry Complaints Commissioner, and the circumstances surrounding Mr Hart's separation from CASA.

During questioning by the Committee I indicated that I had no initial recollection of Mr Hart's written letter of resignation containing further matters relating to the reasons for his decision to retire. Subsequently, I had the opportunity to reconsider the matter in the light of the questions posed and a further check of the details. This resulted in my later advice to the Committee, correcting my earlier comments.

I do recognise that, as a matter of good practice, I should have corrected the record formally with the Committee as soon as I realised that my advice was incorrect. I apologise for the delay in correcting this matter for the Committee. I can assure you that at no point during the Committee's consideration of matters related to Mr Hart's tenure as Industry Complaints Commissioner on 27 May 2010 or 22 October 2010 was there any attempt on my part to misrepresent the information provided to the Committee.

I deeply regret any confusion my answers on 27 May 2010 may have inadvertently created, and I apologise for having failed to provide the Committee with explicit and more timely advice that a letter of resignation from Mr Hart conveying his reasons for deciding to resign had been received in October 2009.

I would also like to take this opportunity to clarify aspects of my statements relating to the same issues in response to questions raised in the Committee's proceedings on 22 February 2011. At that time, I engaged in the following exchange with Senator Abetz concerning my receipt of Mr Hart's resignation letter, my response to Mr Hart's letter and a meeting I had with Mr Hart:

Senator ABETZ— * * * I take you to your letter. You said:

I hereby acknowledge receipt of your letter of resignation dated 16 October. This letter also confirms acceptance of your resignation and your finishing date of 31 December 2009.

Mr McCormick—That is correct and that was before staff brought to my attention that Mr Hart was making disparaging comments about CASA.

Senator ABETZ—And you could not remember any of that at the last hearing and you told us at the last hearing:

Naturally, I would not have left just that letter sitting there.

Well you did because you wrote to him acknowledging receipt of that very letter and confirming—

Mr McCormick—Well, as I said, I was not going to leave it sitting there.

Senator ABETZ—your acceptance of his terms of resignation and when he was leaving.

Mr McCormick—That is correct, until he started to raise comments about CASA. *Then I had a conversation with him* when I said if he felt that unsatisfied with CASA, he could leave straight away and we would pay him money in lieu of his notice—

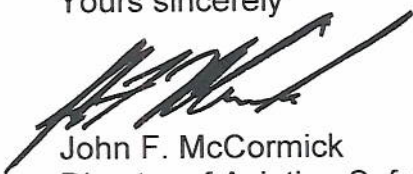
Hansard, 22 February 2011, p. 105 (emphasis provided)

My last response as reproduced above may give the impression that the conversation I had with Mr Hart occurred after sending my letter to him dated 30 October 2009, in which I accepted his resignation. However, my records only record a meeting with Mr Hart where such a conversation would have taken place as having occurred on 23 October 2009. I have no recollection of any other meeting with Mr Hart concerning his departure date from CASA.

To the extent my testimony may be understood as stating that my conversation with Mr Hart took place after my 30 October 2009 letter to him, my current recollection is that this meeting actually took place on 23 October 2009.

Once again, I apologise for any confusion my statements may inadvertently have caused, and I reassure the Committee that, just as there was no intent to on my part to misrepresent the information I provided to the Committee on 27 May and 21 October 2010, there was certainly no intent to do so on 22 February 2011.

Yours sincerely



John F. McCormick
Director of Aviation Safety