



Australian Government
Civil Aviation Safety Authority



Trim No. EX08/10498
File No. 08/3335

Senator the Hon Glenn Sterle
Chairman
Senate Standing Committee on Rural and Regional Affairs and Transport
Suite SG-62, Senate Building
Parliament House
CANBERRA ACT 2600

Dear Senator Sterle

Standing Committee on Rural and Regional Affairs and Transport
Budget Estimates - May 2008

I write regarding certain statements I made at the Committee's hearings on 28 May 2008, both of which require some amendment to correct inadvertent errors in my remarks.

First, in response to questions directed to me by Senator O'Brien, relating to what the Senator characterised as a 'connection' between Transair and Aero-Tropics, my response, in pertinent part, appears at page 63 of the *Hansard* as follows:

Dr Aleck— . . . As to the reference to the newspaper article indicating that the operator was going to be conducting operations into Bamaga and did not hold an operator's certificate to do so . . . my recollection is *that particular flight was actually conducted by Aerotropics*. It was conducted by an AOC holder who had RPT. [Emphasis provided]

* * *

Senator O'BRIEN—Is there not a connection?

Dr Aleck—No. Oftentimes, when an operator does not have an authorisation to conduct a particular operation they will utilise the services of another operator who does. But I might say in this particular case, to the credit of the operators involved, they actually said as much in their advice. They said that *this particular flight is operated by Aerotropic*, as I recall. So, it would not be surprising if a journalist would assume, without reading the fine print so to speak, that an operation conducted by an operator who would appear not to have that authorisation is going ahead without recognising that in fact it was being conducted by someone who did. [Emphasis provided]

Although the relevant import of my reply was correct, I inadvertently transposed my explicit reference to Aero-Tropics and an implicit reference to Transair. Whilst both operators held Air Operator's Certificates (AOCs) authorising regular public transport (RPT) operations, Aero-Tropics's AOC did *not* authorise the conduct of such operations between Bamaga and Cairns, via Lockhart River, *in the Metro aircraft*.

Transair's AOC did authorise those operations in that aircraft, and it was Transair who operated the flight from Bamaga that came to grief at Lockhart River on 5 May 2005, whilst conducting that operation for Aero-Tropics, not the other way around.

It was in Aero-Tropics's advertisement and flight schedule, which appeared on the Internet at the time, that explicit reference was made to the fact that the flight from Bamaga to Cairns via Lockhart River was actually operated by Transair for Aero-Tropics.

Legally, these were separate and distinct operators and operations. As a practical matter, however, and as my explanation in response to Senator O'Brien's question makes plain, they might well have been regarded as 'connected' in certain respects. In the event, my statement, as it appears at page 63 of the *Hansard* (and as reproduced above), would have been clearer if the word 'No', at the beginning of that statement, had been omitted.

I apologise for any confusion this may have caused.

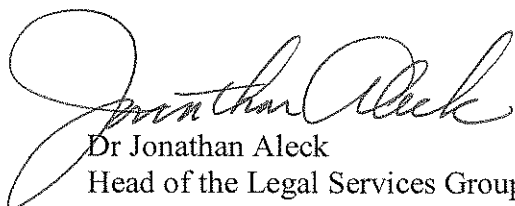
Second, in response to a question from Senator O'Brien, asking how long I had been 'with the organisation', that is presumably to say, employed by the Civil Aviation Safety Authority (CASA), my response appears at page 64 of the *Hansard* as follows:

Dr Aleck—With the exception of five years that I remained an employee of the organisation but was overseas, it has been about 13 years, I believe.

In fact, my employment with what was then the Civil Aviation Authority began in January 1993. Hence, including the nearly five years I spent in Montréal, as Australia's Representative on the Council of the International Civil Aviation Organization (1998 to 2003), during which time I remained a CASA employee, I had (and have) actually been with the Authority for just over 15 years.

Here too, I apologise for any confusion this inadvertent misstatement may have created.

Yours sincerely



Dr Jonathan Aleck
Head of the Legal Services Group
June 2008