



# Australian Government

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## Civil Aviation Safety Authority

LEGAL AND REGULATORY AFFAIRS

TRIM Ref: F18/193

11 January 2018

Rob Cumming

By email: Rob Cumming [foi+request-4293-39ceba01@righttoknow.org.au](mailto:foi+request-4293-39ceba01@righttoknow.org.au)

Dear Rob,

### **ACCESS TO DOCUMENTS UNDER THE *FREEDOM OF INFORMATION ACT 1982***

I refer to your email of 4 January 2018, seeking access to documents under the *Freedom of Information Act 1982* (Cth) (the Act), namely documents regarding statements made by Peter Gibson or others of CASA, following the death of the five passengers and one crew in the Hawksbury River on 31 December 2017 released to *The Australian*. Specifically, you sought e-mails to the newspaper outlets, internal e-mails of approval for release and transcripts of any verbal communications to those organisations.

### **Decision**

I am the decision maker for your request. I have identified 3 documents comprising 9 pages as relevant to your request. I have decided that Document 1 is a part exempt document, and will be released to you with appropriate redactions, for the following reasons. I have decided that the remaining documents will be released to you in their entirety, and they are enclosed with this letter.

### **Conditional exemption - personal information**

Section 47F of the Act provides that material is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person.

Document 1 contains the email address and mobile phone number of Ean Higgins of *The Australian*.

I consider this information to be conditionally exempt under s.47F of the Act on the grounds that any disclosure of such information would involve unreasonable disclosure of personal information. This information is not available from publicly accessible sources.

### **The Public Interest**

Even though I have decided that parts of Document 1 are conditionally exempt under section 47F, I am also required to consider whether disclosing this information would on balance be contrary to the public interest. If I am not satisfied of that, access must be given.

Section 31B of the Act provides that material is exempt if it is conditionally exempt under Division 3, and access to the material would also, on balance, be contrary to the public interest for the purposes of s.11A(5) of the Act.

In applying this test, I have weighed the factors in favour of disclosure against those against it.

I have identified the following factor for disclosure:

- it would promote the objects of the Act, as described in s.3.

I have identified the following factor against disclosure:

- it could reasonably be expected to prejudice the protection of the right to privacy of individuals other than you.

In weighing the public interest factors for the purposes of this exemption, I have determined that access to this information would not be characterised as a matter of public importance telling in favour of disclosure.

On the other hand, disclosure of the personal information would intrude on the right to privacy of the individual concerned by providing personal information which is not available from publicly accessible sources.

On balance, I consider that the public interest favours the protection of this personal information. I consider it would be contrary to the public interest to release this information to you for this reason.

### **Application for internal review of decision**

Section 54 of the Act gives you the right to apply for an internal review of my decision. An application for internal review of my decision must be made in writing within 30 days of receipt of this letter.

No particular form is required, but it is desirable to set out in the application the grounds on which you consider that the decision should be reviewed. An application for review should be addressed to Freedom of Information at the address below:

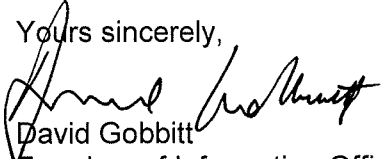
Freedom of Information  
Legal and Regulatory Affairs Division  
Advisory and Drafting Branch  
Civil Aviation Safety Authority  
GPO Box 2005  
Canberra ACT 2601

### **Review by the Australian Information Commissioner**

Alternatively, under section 54L of the Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online:	<a href="http://www.oaic.gov.au/freedom-of-information/requesting-a-review">http://www.oaic.gov.au/freedom-of-information/requesting-a-review</a>
email:	<a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>
post:	GPO Box 2999, Canberra ACT 2601
in person:	Level 3, 175 Pitt Street, Sydney NSW
phone:	1300 363 992

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Gobbitt', written over the printed name.

David Gobbitt  
Freedom of Information Officer  
Legal and Regulatory Affairs Division  
Advisory and Drafting Branch  
Civil Aviation Safety Authority

[david.gobbitt@casa.gov.au](mailto:david.gobbitt@casa.gov.au)

**Schedule of documents**

<b>No.</b>	<b>Date of document</b>	<b>Description of document</b>	<b>Decision</b>
1	3 January 2018	Emails between Ean Higgins and Peter Gibson	Part exempt – s 47F(1)
2	3 January 2018	Emails between CASA officers	Release
3	3 January 2018	Word document with suggested changes	Release

Released under Freedom of Information

Gobbitt, David

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From: Gibson, Peter  
Sent: Wednesday, 3 January 2018 4:03 PM  
To: Higgins, Ean  
Subject: Re: Stall Warning on Beaver [SEC=UNCLASSIFIED]

Ean

Our responses, thanks. Pg

1/ Are all commercially operated aircraft flying in Australia required to have a stall warning system and if so, what sort, in general terms?

Commercial passenger transport aircraft are required to provide the pilot with a clear and distinctive stall warning with sufficient margin to prevent inadvertent stalling. That warning may be provided either through the inherent aerodynamic qualities of the aeroplane or by an independent device that artificially conveys such a warning.

2/ Are DHC-2 Beaver seaplanes flying in Australia required to have a stall warning system, and if so, what type?

The DHC-2 Beaver is a vintage aircraft manufactured from 1947 to 1967. Currently there is no requirement for DHC-2 Beaver aircraft operating in Australia to have an independent stall warning system installed

3/ Has CASA paid any attention to the Canadian recommendation noted above in relation to requiring Beavers to have stall warning systems?

CASA is aware of the recent recommendations from the Canadian Transport Safety Board regarding the installation of independent stall warning systems in aircraft conducting sighting seeing activities.

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4/ If not, will CASA consider it now?

It is standard practice in response to a significant fatal accident for CASA to conduct an internal Regulatory and Safety Review in order to identify improvement opportunities for consideration by the Director Aviation Safety. This review will give due consideration to the Canadian Transport Safety Board recommendations

Peter Gibson  
Corporate Communications Manager  
Civil Aviation Safety Authority

0419 296 446  
peter.gibson@casa.gov.au

www.casa.gov.au

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From: Higgins, Ean [s 47F(1)]  
Date: 3 January 2018 at 12:13:39 pm AEDT  
To: Gibson, Peter <PETER.GIBSON@casa.gov.au>  
Subject: Stall Warning on Beaver

Hi Peter -

Thanks for your quick work yesterday in getting me a response, which gave me the chance to balance the story.

I left a message on your voicemail, but here is the topic and questions.

There's a lot of debate in relation to the seaplane crash in the Hawkesbury about whether the aircraft was equipped with a stall warning device.

There's a report in *The Daily Telegraph* today about how there was an almost identical crash in a Beaver in Quebec, and the Transportation

Safety Board of Canada recommended that all Beavers be fitted with a stall warning system. Here's what a source sent me:

Here's possibly a more relevant reference - <http://www.tsb.gc.ca/eng/medias-media/communiques/aviation/2017/a15q0120-20170907.asp?pedisable=true>. Just last year after finalising the investigation into a 2015 fatal Beaver floatplane crash "... the Transportation Safety Board of Canada (TSB) is recommending today that Transport Canada require all commercially operated de Havilland DHC-2 (Beaver) aircraft be equipped with a stall warning system."

There are apparantly about a dozen Beavers in Australia.

So, my questions are:

1/ Are all commercially operated aircraft flying in Australia required to have a stall warning system and if so, what sort, in general terms?

2/ Are DHC-2 Beaver seaplanes flying in Australia required to have a stall warning system, and if so, what type?

3/ Has CASA paid any attention to the Canadian recommendation noted above in relation to requiring Beavers to have stall warning systems?

4/ If not, will CASA consider it now?

This is for tonight's paper, so I'd be grateful for responses about 4:00pm.

Cheers,

Ean

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EAN HIGGINS

## Released under Freedom of Information

Senior Reporter

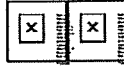
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Gobbitt, David

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**From:** Crawford, Graeme  
**Sent:** Wednesday, 3 January 2018 3:28 PM  
**To:** Aleck, Jonathan; Gibson, Peter  
**Cc:** Carmody, Shane; Collings, Murray; Walker, Robert; Davies, Chuck; Tuomela, Roy; Campbell, Steven; Hayward, Alison  
**Subject:** RE: Urgent media questions re stall warnings [SEC=UNCLASSIFIED]  
**Attachments:** Response to Media Queries - TSB Recommendations - JA's Suggested Amendme....docx

UNCLASSIFIED

Jonathan

I have adopt some of your changes, but not all as I don't want to confuse the recipient(s) nor create the need for further questioning.

Peter

Please use the version below:

1/ Are all commercially operated aircraft flying in Australia required to have a stall warning system and if so, what sort, in general terms? **Commercial passenger transport aircraft are required to provide the pilot with a clear and distinctive stall warning with sufficient margin to prevent inadvertent stalling. That warning may be provided either through the inherent aerodynamic qualities of the aeroplane or by an independent device that artificially conveys such a warning.**

2/ Are DHC-2 Beaver seaplanes flying in Australia required to have a stall warning system, and if so, what type? **The DHC-2 Beaver is a vintage aircraft manufactured from 1947 to 1967. Currently there is no requirement for DHC-2 Beaver aircraft operating in Australia to have an independent stall warning system installed**

3/ Has CASA paid any attention to the Canadian recommendation noted above in relation to requiring Beavers to have stall warning systems? **CASA is aware of the recent recommendations from the Canadian Transport Safety Board regarding the installation of independent stall warning systems in aircraft conducting sighting seeing activities.**

4/ If not, will CASA consider it now? **It is standard practice in response to a significant fatal accident for CASA to conduct an internal Regulatory and Safety Review in order to identify improvements opportunities for consideration by the Director Aviation Safety. This review will give due consideration to the Canadian Transport Safety Board recommendations**

Rgds

Graeme

---

**From:** Aleck, Jonathan  
**Sent:** Wednesday, 3 January 2018 3:01 PM  
**To:** Gibson, Peter; Crawford, Graeme  
**Cc:** Carmody, Shane; Collings, Murray; Walker, Robert; Davies, Chuck; Tuomela, Roy; Campbell, Steven; Hayward, Alison  
**Subject:** FW: Urgent media questions re stall warnings [SEC=UNCLASSIFIED]

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Peter/Graeme

My suggested amendments are track-changed in the attached. 'Happy to discuss my suggested changes.

Regards

Jonathan

**Dr Jonathan Aleck**

Executive Manager,  
Legal and Regulatory Affairs

**Civil Aviation Safety Authority (CASA)**

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16 Furzer Street, Philip ACT 2606

GPO Box 2005, Canberra ACT 2601, AUSTRALIA

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**From:** Gibson, Peter

**Sent:** Wednesday, 3 January 2018 2:07 PM

**To:** Crawford, Graeme; Collings, Murray; Aleck, Jonathan; Walker, Robert; Davies, Chuck; Tuomela, Roy

**Cc:** Palmer, Amanda; Hutton, Carolyn

**Subject:** RE: Urgent media questions re stall warnings [SEC=UNCLASSIFIED]

Looks good. Any further comments please ASAP. Thanks. Pg

Peter Gibson

Corporate Communications Manager

Civil Aviation Safety Authority

0419 296 446

[peter.gibson@casa.gov.au](mailto:peter.gibson@casa.gov.au)

[www.casa.gov.au](http://www.casa.gov.au)

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**From:** Crawford, Graeme <[Graeme.Crawford@casa.gov.au](mailto:Graeme.Crawford@casa.gov.au)>

**Date:** 3 January 2018 at 2:03:32 pm AEDT

**To:** Gibson, Peter <[PETER.GIBSON@casa.gov.au](mailto:PETER.GIBSON@casa.gov.au)>, Collings, Murray <[Murray.Collings@casa.gov.au](mailto:Murray.Collings@casa.gov.au)>, Aleck, Jonathan <[JONATHAN.ALECK@casa.gov.au](mailto:JONATHAN.ALECK@casa.gov.au)>, Walker, Robert <[rob.walker@casa.gov.au](mailto:rob.walker@casa.gov.au)>, Davies, Chuck



## Released under Freedom of Information

<[Chuck.Davies@casa.gov.au](mailto:Chuck.Davies@casa.gov.au)>, Tuomela, Roy <[Roy.Tuomela@casa.gov.au](mailto:Roy.Tuomela@casa.gov.au)>

Cc: Palmer, Amanda <[Amanda.Palmer@casa.gov.au](mailto:Amanda.Palmer@casa.gov.au)>, Hutton, Carolyn <[CAROLYN.HUTTON@casa.gov.au](mailto:CAROLYN.HUTTON@casa.gov.au)>

Subject: RE: Urgent media questions re stall warnings [SEC=UNCLASSIFIED]

UNCLASSIFIED

Peter,

Suggested **responses** below which I suspect Roy, Murray and Jonathan can enhance them!

Rgds,  
Graeme

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**From:** Gibson, Peter

**Sent:** Wednesday, 3 January 2018 12:35 PM

**To:** Crawford, Graeme; Collings, Murray; Aleck, Jonathan; Walker, Robert; Palmer, Amanda; Hutton, Carolyn; Davies, Chuck

**Subject:** Urgent media questions re stall warnings [SEC=UNCLASSIFIED]

**Importance:** High

Here are the first media questions re stall warnings. From the Australian. Deadline 2pm. Info please. Thanks.  
Pg

1/ Are all commercially operated aircraft flying in Australia required to have a stall warning system and if so, what sort, in general terms? **Commercial aircraft typically have stall warning systems installed and as you would expect these are generally more advanced on air transport category aircraft and newer aircraft designs.**

2/ Are DHC-2 Beaver seaplanes flying in Australia required to have a stall warning system, and if so, what type? **The DHC-2 Beaver is a vintage aircraft manufactured for 20 years between 1947 and 1967. Currently there is no requirement for DHC-2 Beaver aircraft operating in Australia to have a stall warning system installed**

3/ Has CASA paid any attention to the Canadian recommendation noted above in relation to requiring Beavers to have stall warning systems? **CASA is aware of the recent recommendations from the Canadian authorities regarding the installation of stall warning systems and flight recorders**

4/ If not, will CASA consider it now? **It is standard practice in response to a significant fatal accident for CASA to conduct an internal Regulatory and Safety Review in order to identify improvements opportunities for consideration by the Director Aviation Safety. This review would include recommendations on similar accidents from other aviation safety regulators.**

Peter Gibson  
Corporate Communications Manager  
Civil Aviation Safety Authority

0419 296 446  
[peter.gibson@casa.gov.au](mailto:peter.gibson@casa.gov.au)

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[www.casa.gov.au](http://www.casa.gov.au)

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1/ Are all commercially operated aircraft flying in Australia required to have a stall warning system and if so, what sort, in general terms? Commercial passenger transport aircraft are required to provide the pilot with a clear and distinctive stall warning with sufficient margin to prevent inadvertent stalling. That warning may be provided either through the inherent aerodynamic qualities of the aeroplane or by an independent device that artificially conveys such a warning. ~~typically have stall warning systems installed and as you would expect these are generally more advanced on air transport category aircraft and newer aircraft designs.~~

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2/ Are DHC-2 Beaver seaplanes flying in Australia required to have a stall warning system, and if so, what type? The DHC-2 Beaver are required to incorporate stall warning features of the kind described above. ~~is a vintage aircraft manufactured for 20 years between 1947 and 1967. Currently there is no requirement for DHC-2 Beaver aircraft operating in Australia to have a stall warning system installed. [Note: This is a certification, not an operational requirement].~~

3/ Has CASA paid any attention to the Canadian recommendation noted above in relation to requiring Beavers to have stall warning systems? The Canadian Transport Safety Board (TSB) has recommended to Transport Canada that DHC-2 Beaver aircraft engaged in commercial operations be required to be fitted with independent ('artificial') stall warning systems. ~~CASA is aware of the TSB's recommendation and is giving it all due consideration, as we are confident other air safety regulators are doing.~~ ~~the recent recommendations from the Canadian authorities regarding the installation of stall warning systems and flight recorders~~

4/ If not, will CASA consider it now? See response to 3 above. ~~It is standard practice in response to a significant fatal accident for CASA to conduct an internal Regulatory and Safety Review in order to identify improvements opportunities for consideration by the Director Aviation Safety. This review would include recommendations on similar accidents from other aviation safety regulators.~~