



Australian Government
Australian Transport Safety Bureau

15 August 2013

Ms Briley Miller
Coroners Registrar
Coroners Court of Victoria
Level 11, 222 Exhibition Street
MELBOURNE VIC 3000



Dear Ms Miller

Inquest into the Deaths of John and Samuel Hender: Recommendation to the ATSB

On 5 June 2013, Coroner Jane Hendtlass handed down her findings into the deaths of John and Samuel Hender. John and Samuel Hender died in an accident at Mildura aerodrome on 12 March 2006 involving a Glasair Amateur-Built Experimental (ABE) aircraft. The accident was not investigated by the ATSB. At the time of the occurrence the ATSB's policy on commencing and investigation did not require an investigation into every fatal ABE accident.

In her findings, Coroner Hendtlass made the following recommendation to the ATSB:

The Australian Transport Safety Bureau reconsider the way in which it allocates resources to examine aviation incidents to enable specialist professional independent investigation of incidents involving amateur-built experimental aircraft at or near non-towered regional aerodromes used by commercial aircraft.

On 21 March 2013 the ATSB changed its policy on the investigation of ABE aircraft accidents. The ATSB investigates all fatal accidents involving ABE aircraft on the civil aircraft register. The revised policy for fatal accidents is recorded in the ATSB's policy and procedures manual as follows:

The ATSB has obligations under international conventions to investigate fatal aviation and marine accidents. However, a blanket approach to investigating fatalities is not always the best use of the ATSB's finite investigation resources. Fatalities do not always result from the systemic safety issues the ATSB is responsible for identifying. Accordingly, the decision to investigate fatal accidents should take into account the following:

Aviation:

Fatal aviation accidents involving aircraft registered on the Australian Civil Aircraft Register will be investigated except where the accident involves:

- gliders or motor gliders
- personal recreation balloon operations

Fatal accidents involving Australian aircraft that are not registered on the Australian Civil Aircraft Register will not normally be investigated unless information indicates that some other factor appears to indicate that information on a wider safety issue

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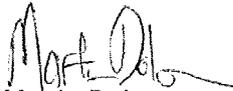
may become evident from an investigation. These accidents are usually investigated by Police officers assisting the respective State Coroner. The Police investigations may be assisted by the relevant sport and recreational flying associations and, if requested, the ATSB may also provide technical assistance.

The ATSB made the decision to change its policy after the process of a review that commenced in 2012. The revised policy recognises that the investigation of all fatal accidents involving ABE aircraft on the civil register is likely to provide the safety benefit necessary to justify a reprioritisation of the ATSB's constrained resources.

The change coincided with the release on 26 March 2013 of the ATSB research report: *Amateur-built aircraft—Analysis of accidents involving VH-registered non-factory-built aeroplanes 1988-2010*. A copy of this report is available on the ATSB's website at www.atsb.gov.au.

The ATSB considers that the Coroners recommendation has been fully implemented. The ATSB also appreciates the safety contribution made by the Coroner through an inquest into the circumstances of this accident.

Yours sincerely



Martin Dolan
Chief Commissioner