



**Australian Government**  
**Civil Aviation Safety Authority**

LEGAL AND REGULATORY AFFAIRS DIVISION

Our Ref:  
Your Ref: COR 2016 000416

17 September 2021

Ms M Meggetto  
Coroner's Registrar  
Coroners Court of Victoria  
65 Kavanagh Street  
SOUTHBANK VIC 3006

By email: [cpuresponses@coronerscourt.vic.gov.au](mailto:cpuresponses@coronerscourt.vic.gov.au)

Dear Registrar,

**Investigation into the deaths of Donald Hateley, Ian Chamberlain, Dianne Bradley and Daniel Flinn - Barwon Heads Aircraft Crash**

We refer to Coroner Jamieson's findings dated 11 February 2020 and the two recommendations directed to the attention of the Civil Aviation Safety Authority (**CASA**).

At the outset, **CASA** sincerely apologises for the delay in responding to the recommendations which occurred due to an administrative oversight.

In respect of the two recommendations, the following responses are provided:

**Recommendation 1 – that **CASA** mandate the use of **SARTIME** for all Visual Flight Rules flights over water**

1. Upon reviewing the Coroner's findings, we note that **CASA** already has requirements in place for the nomination of a search and rescue time (**SARTIME**) for visual flight rules (**VFR**) flights over water.
2. As noted in the findings (see [123] – [126] of the Background Circumstances and [7] of the Comments), pilots conducting **VFR** flights over water are already required to submit a **SARTIME** flight notification to Airservices Australia or leave a flight note with a responsible person. This is by force of regulations 240 and 241 of the *Civil Aviation Regulations 1988* (**CAR**) and paragraph 1.10 of the Aeronautical Information Publication (**AIP**) En Route Supplement Australia.
3. If the focus and intent of the recommendation is that **CASA** require the use of **SARTIME** only and not allow the leaving of a flight note for **VFR** flights over water, then **CASA** confirms that the recommendation will be taken into consideration as part of the ongoing regulatory development activities referred to further below.
4. Of particular relevance to this recommendation is that, following extensive development and community consultation over a number of years, new regulations contained in Part 91 of the *Civil Aviation Safety Regulations 1998* (**CASR**) for the

conduct of flight operations will come into force on 2 December 2021. These regulations will cover VFR flights over water and flight monitoring rules including SARTIME requirements. In particular, Division 91.D.3 provides for flight notifications as follows:

**Division 91.D.3—Flight notifications and pre-flight checks**

**91.240 Flight notifications**

(1) The Part 91 Manual of Standards may prescribe requirements (the *flight notification requirements*) relating to flight notifications.

(2) The pilot in command of an aircraft for a flight contravenes this subregulation if a flight notification requirement is not met for the flight.

(3) A person commits an offence of strict liability if the person contravenes subregulation (2).

Penalty: 50 penalty units.

**91.245 Matters to be checked before take-off**

(1) The pilot in command of an aircraft for a flight contravenes this subregulation if, when the aircraft takes off for the flight, a check prescribed by the Part 91 Manual of Standards has not been carried out.

(2) A person commits an offence of strict liability if the person contravenes subregulation (1).

Penalty: 50 penalty units.

5. The *Part 91 (General Operating and Flight Rules) Manual of Standards 2020* which will also come into effect on 2 December 2021, includes, in Chapter 9 Flight Notifications:

**CHAPTER 9 FLIGHT NOTIFICATIONS**

**9.01 Purpose**

For subregulation 91.240 (1), this Chapter prescribes requirements relating to flight notifications (*flight notification requirements*).

**9.02 Flight notification requirements**

(1) If a flight is 1 of the following:

- (a) an IFR flight;
- (b) a VFR flight in Class C or Class D airspace;

then the pilot in command must submit a flight plan in accordance with procedures published in the authorised aeronautical information.

(2) If a VFR flight is 1 of the following:

- (a) a flight conducting an air transport operation;
- (b) a flight over water;
- (c) a flight in a designated remote area;

(d) a flight at night proceeding beyond 120 NM from the aerodrome of departure;

then the pilot in command must do 1 of the following in accordance with procedures published in authorised aeronautical information:

- (e) submit a flight plan;
- (f) nominate a SARTIME for arrival;
- (g) leave a flight note with a responsible person.

*Note* See section 9.05 for *responsible person*.

(3) If a VFR flight is a community service flight, the pilot in command must submit a flight plan or nominate a SARTIME for arrival in accordance with procedures published in authorised aeronautical information.

*Note* The fact that a flight is not one mentioned in subsection (1), (2) or (3), does not prevent the pilot in command from submitting a flight plan, nominating a SARTIME, or leaving a flight note with a responsible person. However, if a flight plan is submitted, a SARTIME is nominated or a flight note is left with a responsible person, sections 9.03, 9.04 and 9.05 apply.

### **9.03 Changes to flight plans and SARTIME nominations**

- (1) A pilot in command who submits a flight plan must notify ATS of changes in any of the following:
  - (a) the aircraft callsign or registration;
  - (b) the flight rules under which the flight will be operating;
  - (c) serviceability of the equipment that, as stated in the flight plan, is carried on board;
  - (d) the planned departure time (but only if changed by more than 30 minutes);
  - (e) the route, landing points and destination alternate aerodromes;
  - (f) the cruising level;
  - (g) the cruising speed;
  - (h) the number of POB.
- (2) A pilot in command who nominates a SARTIME must notify ATS of changes in any of the following:
  - (a) the aircraft callsign or registration;
  - (b) the planned departure time (but only if changed by more than 30 minutes);
  - (c) the route, landing points and destination alternate aerodromes;
  - (d) the SARTIME.

### **9.04 Cancelling SARTIME**

A pilot in command who nominates a SARTIME must cancel the SARTIME no later than the time nominated.

### **9.05 Responsible persons for receipt of a flight note**

- (1) In this Chapter, a responsible person for the receipt of a flight note must meet the requirements mentioned in subsection (2).
  - (2) For subsection (1), the responsible person must:
    - (a) be over the age of 18 years; and
    - (b) have access to at least 2 operative and appropriate telephones; and
    - (c) satisfy the pilot in command that the person:
      - (i) knows how to contact JRCC Australia; and
      - (ii) will immediately do so in the event that the pilot in command's flight is overdue.
6. The new rules will be subject to modification following commencement and a post implementation review (**PIR**) is expected within a reasonable period thereafter, depending on the range and criticality of the issues raised and concerns arising. While the timeframe for PIRs is not fixed, due to the nature of the regulations CASA anticipates reviewing the standards within 24 months of commencement.
  7. Assessment of the current SARTIME reporting processes and amendment of the AIP will also be under consideration to ensure consistency with the new flight operations regulations.

**Recommendation 2 – that CASA increase IFR training and recency requirements for PPL candidates and holders, for the purpose of, but not necessarily limited to, further education for candidates on the fatal dangers of inadvertent entry into IMC**

8. At the outset, we draw to attention concerns as to references to instrument flight rules (IFR) training in relation to private pilot licence (PPL) holders. IFR training is not mandatory for PPL holders and references of this kind have the potential to confuse.
9. Candidates for and holders of PPLs who operate in Visual Meteorological Conditions (VMC), being the majority of PPL holders, are not required to complete IFR training and there is no recency requirement. However, these pilots are required to demonstrate basic instrument flying competency as a candidate for and ongoing holder of that licence. The assessable standards are consistent with the international licensing standards and have been in place for many years.
10. CASA is generally satisfied that the aeronautical knowledge standards and the basic training for instrument flying, as opposed to specific training for IFR operations, are currently appropriate. Assessment of basic instrument flying competency is also included as part of the mandatory biennial flight review standards for PPL holders.
11. Candidates for a PPL are also taught of the serious risks of inadvertent entry into instrument meteorological conditions (IMC) as part of the aeronautical knowledge standards and practical flight competencies which they must be able to demonstrate (including via theoretical and practical examination) prior to the issue of a PPL. These standards and competencies are set out in the Manual of Standards issued to support Part 61 of the CASR.
12. In addition, CASA provides many safety education products including seminars and materials such as the magazine, Flight Safety Australia, which regularly deal with the topic of inadvertent entry into IMC. For example, a recent article in Flight Safety Australia titled “Weather to fly” dealt with these issues. This article can be accessed at [Weather to fly](#) . Examples of the kinds of relevant material routinely addressed at aviation safety seminars can be accessed as “[Enhancing pilot skills – expect the unexpected](#)“.
13. To the extent that the recommendation is targeted at CASA increasing IFR training and recency requirements, CASA notes that IFR training, by its nature, is designed to teach the skills necessary for pilots to safely fly by reference to instruments only. It does not form part of the general PPL syllabus of training as it is an additional skill and separate rating for flying operations conducted under the IFR. CASA considers that the training presently provided to PPL pilots around the need to ensure they stay in VFR conditions is adequate and that more specific IFR training is only necessary for pilots who wish to operate under the IFR.
14. CASA considers that training for inadvertent entry into IMC is more appropriate for pilots rated only for VFR conditions. Without appropriate prior training and an aircraft designed for IFR operations, such pilots are more likely to become spatially disoriented or unable to safely operate the aircraft in IMC.
15. Therefore, while it does not propose to take any action in relation to this recommendation at this stage, CASA is proposing a review of the competency standards and the two-yearly review of proficiency rules (known as a flight review) for private pilots in the next 18 months. A review of the basic instrument flying standards

and the related non-technical skills and human factors required of PPL holders will be included in that review.

Please contact the writer should you require further information or should you have any further enquiries concerning this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. Carter', with a stylized, cursive flourish at the end.

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