

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE AUSTRALIAN TRANSPORT SAFETY BUREAU

AND

**THE AVIATION SAFETY OFFICE OF THE GENERAL
ADMINISTRATION OF CIVIL AVIATION OF CHINA**

ON COOPERATION IN

AIR SAFETY INVESTIGATION AND TRAINING

THIS MEMORANDUM OF UNDERSTANDING IS ANNEXED TO, AND SHOULD BE READ IN CONJUNCTION WITH, THE MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES OF AUSTRALIA AND THE STATE DEVELOPMENT PLANNING COMMISSION OF THE PEOPLE'S REPUBLIC OF CHINA ON COOPERATION IN THE TRANSPORT SECTOR.

In accordance with the Memorandum of Understanding between the Department of Transport and Regional Services of Australia and the State Development Planning Commission of the People's Republic of China on Co-operation in the Transport Sector to be signed in Beijing on 12 April 2001, the Transport Safety Bureau of Australia and the Aviation Safety Office of the General Administration of Civil Aviation of China (hereafter referred to as 'the Parties') have reached the following understandings on the investigation of civil air safety accidents and incidents, and participation in flying safety training.

The Chicago convention

1. Australia and the People's Republic of China as Contracting States to the Convention on International Civil Aviation done at Chicago on 7 December 1944 (hereafter 'the Chicago Convention'), follow the Standards and Recommended Practices set out in Annex 13 to the Convention. The procedural arrangements for cooperation between the Parties pursuant to Annex 13 to that Convention in relation to civil aircraft accident and incident investigation are set out in this Memorandum of Understanding.

Procedural Arrangements

2. Following an accident or serious incident as defined at Attachment D to Annex 13 of the Chicago Convention involving civil aircraft of either Contracting State, the relevant Party may invite an accredited representative in accordance with Annex 13 of the Chicago Convention from the other Party to participate in the subsequent investigation. Following such communication, the other Party will communicate, with a minimum of delay, details of the persons to participate in the investigation.
3. Should the invited Party be unable to attend an investigation, then the other Party will provide a copy of the draft report on the investigation prior to the completion of the investigation. The Party unable to attend the investigation will then be given by the other Party, 21 days from the receiving date in which to comment, unless alternative arrangements are made for a particular investigation.
4. The originator of the report, being the investigating authority of the Contracting State where an accident/incident has occurred, has final control over the public release of any findings of the investigations.

Provision of Assistance

5. The Parties will offer assistance and use the facilities to each other at no cost as deemed appropriate by the nature of the occurrence, having regard to resource availability. This assistance may include expertise in the areas of investigation management and specialist investigation areas

of air traffic services, engineering, flight records, human performance and organisational aspects and operations.

Training

6. Mutual training experiences can promote closer cooperation between government agencies, and promote understanding and consistency across the Asia-Pacific region. Thus the Parties will endeavour to provide each other with training in the various specialist areas of investigation as appropriate. To this end, the Transport Safety Bureau of Australia will, where practical, invite Chinese investigators to attend investigation courses conducted by the Bureau.

Resources and Implementation

7. Unless otherwise specified in this Understanding, matters set out in this Understanding are to be implemented jointly by the Parties. The funding required for the implementation of the matters set out in this Understanding will be the responsibility of the Party invited to attend the investigation or course, unless otherwise arranged between the Parties.

Consultation, Amendment etc

8. The Parties will consult as needed on matters relating to this Understanding, including consideration of any additions or amendments and relevant developments in air safety investigation, and will seek to foster, as appropriate, a range of opportunities for more frequent exchanges of information and improving communications to facilitate consultative processes and increased cooperation.
9. This Understanding may be amended at any time by mutual consent of the Parties.
10. This Understanding will come into effect as soon as both of the following have occurred: the Memorandum of Understanding between the Department of Transport and Regional Services of Australia and the State Development Planning Commission of the People's Republic of China on Cooperation in the Transport Sector has taken effect; and this Understanding has been signed by both Parties. It will remain in effect unless terminated by either Party giving the other Party three months written notice of its intention to terminate.

SIGNED on 11 April 2001 in Beijing, China, in two original copies in English and Chinese, both versions being equally authentic.



Mr Kym Bills

Executive Director

**Transport Safety Bureau of Australia
(ATSB)**



Mr Luan Bao

Director General

**Aviation Safety Office
General Administration of
Civil Aviation of China**