

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE AUSTRALIAN TRANSPORT SAFETY BUREAU  
AND  
THE OFFICE OF AVIATION SAFETY  
OF THE  
CIVIL AVIATION ADMINISTRATION OF CHINA  
ON  
COOPERATION IN  
AVIATION SAFETY INVESTIGATION AND RELATED ACTIVITIES

This Memorandum of Understanding is annexed to and should be read in conjunction with the Memorandum of Understanding between the Australian Government Department of Transport and Regional Services and the National Development and Reform Commission of the People's Republic of China on cooperation in the transport sector signed in Beijing on 18 December 2006.

Notwithstanding the foregoing, cooperation in aviation safety investigation and training may, where appropriate and with the consent of both Parties, be considered within the Australia-China Strategic Economic Dialogue (SED) between the Australian Government Department of Foreign Affairs and Trade and the National Development and Reform Commission of the People's Republic of China.

The Australian Transport Safety Bureau and the Office of Aviation Safety of the Civil Aviation Administration of China (hereafter referred to as "the Parties") have reached the following understandings on the investigation of civil aviation safety and incidents and on 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 in Chapter 1, Annex 13 of the Chicago Convention involving civil aircraft of either Contracting State, the relevant Party may invite one 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 or 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 the use of facilities to each other at no cost as

deemed appropriate, having regard to the nature of the occurrence and 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 organizational 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 Australian Transport Safety Bureau will, where practical, invite Chinese investigators to attend investigation courses arranged by the Bureau.

### **Resources and implementation**

7. Unless otherwise specified in this Memorandum of 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 Memorandum of Understanding will be the responsibility of the Party invited to attend the investigation or courses, unless otherwise arranged between the Parties.

### **Consultation, amendment, etc**

8. This Memorandum of Understanding replaces the Memorandum of Understanding between the Australian Transport Safety Bureau and the Office of Aviation Safety of the Civil Aviation Administration of China on 29 May 2014.
9. The Parties will consult as needed on matters relating to this Memorandum of Understanding, including consideration of any additions or amendments and relevant developments in aviation safety investigation, and will seek to foster, as appropriate, a range of opportunities for more frequent exchanges of information and improvement of communications to facilitate consultative processes and increased cooperation. Any dispute arising from the implementation or interpretation of this Memorandum of Understanding should be resolved through consultation between the Parties with the object of peaceful settlement of that dispute.
10. This Memorandum of Understanding may be amended in writing at any time with the mutual consent of the Parties.
11. This Memorandum of Understanding will take effect as soon as it has been signed by both Parties.
12. This Memorandum of Understanding will remain in effect unless either Party provides three months written notice to the other Party of its intention to terminate.

13. The contact person in the Office of Aviation Safety of the Civil Aviation Administration of China for the implementation of this MOU is:

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Director of Accident Investigation Division  
Office of Aviation Safety  
Civil Aviation Administration of China  
155 Dongsu West Avenue  
Beijing 100710  
China

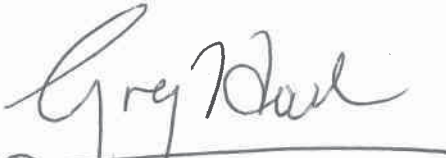
Tel: +86 10 6409 1909  
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14. The contact person in the Australian Transport Safety Bureau for the implementation of this MOU is:

Dr. Richard Batt  
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Australian Transport Safety Bureau  
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Canberra ACT 2600  
Australia

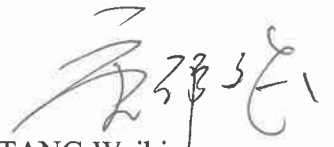
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SIGNED on 25<sup>th</sup> June 2014 in Canberra in two original copies in English.



Mr. Greg Hood  
Chief Commissioner

Australian Transport Safety Bureau



Mr. TANG Weibin  
Chief Inspector

Office of Aviation Safety  
Civil Aviation Administration of China