Memorandum of Understanding between the Australian Transport Safety Bureau and the Transport Accident Investigation Commission

2016
THE PARTICIPANTS

1.1 Transport Accident Investigation Commission
TAIC investigates the circumstances and causes of aviation, rail and maritime accidents and incidents ("occurrences"). TAIC makes findings and recommendations with a view to avoiding similar occurrences, rather than to ascribe blame. TAIC must act independently when investigating occurrences and has the powers of a commission of inquiry.

1.2 Australian Transport Safety Bureau
The Australian Transport Safety Bureau (ATSB) has functions under the Transport Safety Investigation Act 2003 (TSI Act), including the independent investigation of aviation, marine and rail accident and incidents and communicating the results for the purpose of improving transport safety.

1.3 Together the ATSB and TAIC are "the participants".

OBJECTIVE AND STATUS

2.1 This MOU expresses the mutual understanding of the participants on cooperation in transport safety in the aviation, marine and rail modes of transport.

2.2 In pursuing this objective, the participants will uphold the values of cooperation, honesty, trust, mutual respect, openness and professionalism.

2.3 While this MOU is not legally binding, both agencies will endeavour to perform their respective functions in a manner consistent with the values and principles the MOU embraces.

2.4 Cooperation under this MOU is intended to:

a) Affirm the common interest of the participants in establishing legal and procedural frameworks that ensure transport safety investigations deliver findings that are acted upon to improve transport safety in the future;

b) Commit the participants to enhancing the capabilities and professionalism of their respective aviation, maritime and rail safety investigators and other professionals; and

c) Provide for the sharing of expertise and experience between the participants relating to transport safety in the aviation, maritime and rail transport sectors.

AREAS OF COOPERATION

2.5 The participants intend that the areas of cooperation under this MOU will include but not be limited to:
MoU – ATSB and TAIC, NZ

(a) Participation and mutual assistance in investigations, including major accident investigations, research and data analysis investigations, conducted by or involving the participants;

(b) Cooperative research and analysis to review safety trends and identify areas for safety improvement;

(c) Public communication and education on aviation, maritime and rail safety matters;

(d) Making places available on training courses hosted by either participant for the personnel of the participants that relate to enhancing the capabilities and professionalism of transport safety investigators employed by the participants;

(e) Organisational development, including policy and procedures and quality management;

(f) Developing and sharing transport safety investigation methods and techniques in line with recognised international standards;

(g) Assistance in respect of technical capability including forensic engineering, Human Factor analysis, transport vehicle data recovery, analysis and presentation (including Flight Data Recorders, Cockpit Voice Recorders, Voyage Data Recorders and Rail Data Loggers);

(h) Providing a Trans-Tasman forum to promote the development of effective investigation laws and policies and procedures to address international standards for transport safety investigations;

(i) Legal issues, particularly resolution of legislative conflict, confidentiality of information and information sharing;

(j) Pursue arrangements for facilitating access to information about the occurrence of accidents, serious incidents and incidents relevant to the performance of the respective parties’ functions; and

(k) Regional investigation support and assistance.

3 COMMUNICATION

3.1 The participants will encourage open dialogue on matters of mutual interest and concern.

3.2 Meetings will be held at least annually, by the most appropriate means (i.e. video/tele conference or face to face), between nominated representatives of the ATSB and TAIC to discuss the ‘Areas of Cooperation’ set out in clause 2 of this MOU.

4 PARTICIPATION IN AN ACCIDENT OR INCIDENT INVESTIGATION OF ANOTHER PARTICIPANT

4.1 Where there is a proposal for one participant to be involved in an accident or incident investigation of another participant, the participants will endeavour to work together to put in place mutually acceptable arrangements. Generally the participants will proceed:
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Aviation
(a) In the event of an aviation accident or incident the involvement of a participant in the other participant’s investigation will be in accordance with:
   i. the national laws and applicable policies and procedures of the participant responsible for the conduct of the investigation;
   ii. Annex 13 to the Convention on International Civil Aviation (Chicago Convention) done at Chicago on 7 December 1944, subject to any differences lodged in accordance with article 38 of the Convention;
   iii. the Asia and Pacific Regions Code of Conduct on Cooperation relating to Civil Aviation Accident/Incident Investigation.

Maritime
(b) In the event of a marine casualty or incident, the involvement of a participant in the other participant’s investigation will be in accordance with:
   i. the national laws and applicable policies and procedures of the participant responsible for the conduct of the investigation;
   ii. the ‘Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident’ (Casualty Investigation Code) annexed to the International Convention for the Safety of Life at Sea (SOLAS) done at London on 1 November 1974, subject to any differences to the Recommended Practices that the participants to the MOU have notified to each other.

Rail
(c) In the event of a rail occurrence the involvement of a participant in the other participant’s investigation will be in accordance with the national laws and applicable policies and procedures of a participant responsible for the conduct of the investigation.

General
4.2 Participants will discuss and resolve any difficulties arising with requirements under international/national laws and policies and procedures for the involvement of one participant in another participant’s investigation.

4.3 The involvement of one participant in another participant’s investigation will be subject to the availability of expertise and resources.

5 ASSISTANCE TO ANOTHER STATE

5.1 The participants acknowledge that a State who is not a participant to this MOU may request assistance in relation to matters that are covered by this MOU from one of the participants. Where such a request is made, the participant receiving it may contact the other participant, where appropriate, to explore opportunities for a referral of the request or collaboration in relation to the provision of any assistance.
5.2 The participants will develop their own policies and procedures to give effect to 5.1 and consult with each other on the respective content. The participants commit, in particular, to addressing requests for assistance from States within the Asia Pacific region.

6 MAJOR ACCIDENTS

6.1 Both participants recognise that in the event of a major accident in the territory of either participant, or the territory of a State within the surrounding region, the response required is likely to challenge the available resourcing.

6.2 The participants are committed to working together to ensure preparedness for a major accident in the region. This includes planning for sharing and maximising the use of available resourcing, developing consistent methodologies and response plans for a major accident, and collaboration on major accident exercises.

7 DURATION, VARIATION & DISPUTE RESOLUTION

7.1 This Memorandum will apply for 3 years from the date of signing and may be extended, varied or terminated by exchange of letters between the Parties.

7.2 In the absence of extension or termination in accordance with 9.1, this Memorandum will continue to apply.

7.3 The memorandum is subject to annual review.

7.4 In the event that any disagreements or disputes arise in respect to any of the provisions of this MoU, then the dispute/disagreement will initially be referred to the General Manager Surface Safety Investigations and International (ATSB) and the Chief Investigator of Accidents (TAIC). Should resolution not be forthcoming, the issue will be referred to the Chief Executive (TAIC) and Chief Commissioner (ATSB) for resolution.

8 SIGNATURES

8.1 This memorandum may be signed consecutively by the signatories and in such case comes into effect on the later date of the two.

8.2 This memorandum may be executed by scanning, faxing or other electronic means.

LOIS HUTCHINSON  
Chief Executive  
Transport Accident Investigation Commission  
DATED: 19 September 2016

GREG HOOD  
Chief Commissioner  
Australian Transport Safety Bureau  
DATED: 25 August 2016
MoU – ATSB and TAIC, NZ

**SCHEDULE 1 – CONTACTS**

**Investigations**

ATSB: General Manager – Aviation Safety or
      General Manager – Surface Safety Investigations or
      General Manager – Strategic Capability

TAIC: Chief Investigator of Accidents or
      Manager Aviation Investigations or
      Manager Surface Investigations

**Research and Data**

ATSB: Manager – Reporting and Analysis

TAIC: Investigator - Recorders

**Safety Education**

ATSB: Manager – Communications

TAIC: General Manager Communications

**Training**

ATSB: Training Manager
      Manager Learning and Development – Safety Analysis and
      Education.

TAIC: Chief Investigator of Accidents or
      General Manager Legal and Business Services

**Regional Engagement**

ATSB: Manager International

TAIC Chief Investigator of Accidents