

**TRANSPORT SAFETY INVESTIGATION ANNEX TO THE  
MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE GOVERNMENT OF AUSTRALIA  
AND  
THE GOVERNMENT OF PAPUA NEW GUINEA  
ON  
COOPERATION IN THE TRANSPORT SECTOR**

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**PARAGRAPH 1 – PURPOSE OF ANNEX**

This Annex expresses the understanding of the Government of Australia and the Government of Papua New Guinea (“the Participants”) on cooperation in transport safety investigation, pursuant to the Memorandum of Understanding (MoU) between the Australian Department of Infrastructure, Transport, Regional Development and Communications, and the Papua New Guinea Department of Transport and Infrastructure signed on 16 December 2021.

**Aims of cooperation**

Without limiting the scope of cooperation, this Annex is intended to:

- a. affirm the common interest of the Participants in establishing standard legal and procedural frameworks that ensure aviation and maritime accident and incident safety investigations are conducted to the international standards and best practice for the improvement of transport safety in the future;
- b. commit the Participants to enhancing the capabilities and professionalism of their respective aviation and maritime safety investigators; and
- c. provide for the sharing of expertise and experience between the Participants relating to aviation and maritime safety investigations.

**PARAGRAPH 2 – IMPLEMENTATION**

In accordance with paragraph 6 of the Memorandum of Understanding, the following agencies are nominated as the implementing authorities of this Annex:

- a. for Australia, the Australian Transport Safety Bureau; and
- b. Papua New Guinea, the Accident Investigation Commission



The implementing authorities will establish a joint meeting of senior officials from their respective agencies to oversee implementation of this Annex. The senior officials will meet annually and may meet more frequently as mutually decided. Meetings may be held in person or virtually as circumstances permit.

### **PARAGRAPH 3 – DESIGNATED REPRESENTATIVE**

For coordinating cooperative activities, each implementing authority has designated a representative to be responsible for jointly determining the direction of cooperation activities and for ensuring the effectiveness of all cooperation and exchange activities.

The designated persons for co-ordination and management of this Annex are:

#### **Australia**

Angus Mitchell  
Chief Commissioner/ Chief Executive Officer  
Australian Transport Safety Bureau  
Phone [REDACTED]  
[Angus.mitchell@atsb.gov.au](mailto:Angus.mitchell@atsb.gov.au)

#### **Papua New Guinea**

Dean Kuri  
Chief Executive Office  
Accident Investigation Commission  
Phone [REDACTED]  
[dkuri@aic.gov.pg](mailto:dkuri@aic.gov.pg)



#### **PARAGRAPH 4 – AREAS OF COOPERATION**

The implementing authorities intend that the areas of cooperation will include, but not be limited to:

- a. Participation in investigations conducted by either implementing authority;
- b. Participation in training courses hosted by either implementing authority relating to the enhancement of capabilities and professionalism of transport safety investigators;
- c. Sharing transport safety investigation methods and techniques in line with recognised international standards;
- d. Establishing and sharing corporate support services and systems to help facilitate the effective conduct of transport safety investigations, including key organisational developments;
- e. Providing forums for discussion to promote the development of effective investigation laws, policies and procedures to address international standards for transport safety investigations;
- f. Providing the opportunity for orientation visits and staff exchanges; and
- g. Where facilities exist, assistance in the examination of evidence in the course of a safety investigation, including download of data from recording devices.

The implementing authorities will establish a Work Program and Committee to facilitate action on the areas of cooperation above, in accordance with paragraph 6 of the Memorandum of Understanding.

The implementing authorities affirm that all activities under this Annex are subject to the terms of the Treaty on Development Cooperation between the Government of Australia and the Government of Papua New Guinea, signed at Port Moresby on 7 October 1999 (the Treaty) and the Annex to the Treaty. The implementing authorities also affirm that all activities under this Annex are subject to the cooperation policies between both States and each State's legal system.

Two handwritten signatures in blue ink are located at the bottom of the page. The signature on the left is a stylized, cursive 'S' shape. The signature on the right is a more complex, cursive signature with multiple loops and a horizontal stroke at the end.

#### **PARAGRAPH 5 – COMMITMENT OF PERSONNEL AND OTHER RESOURCES**

The commitment of personnel and resources will be in accordance with paragraph 7b of the Memorandum of Understanding.

#### **PARAGRAPH 6 – PROCEDURAL ARRANGEMENTS FOR PARTICIPATION IN AN INVESTIGATION**

##### **Aviation**

In the event of an aviation accident or incident, participation will be in accordance with Annex 13 to Convention on International Civil Aviation (Chicago Convention) and to the extent achievable where participation and/or assistance is requested or offered by either implementing authority. Unless mutually decided and accepted, the investigation and cooperation related laws, policies and procedures of the State of the implementing authority in charge of an investigation shall take precedence with that State's sovereign jurisdiction.

##### **Maritime**

In the event of a marine casualty or incident, participation will be in accordance with 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) and to the extent achievable where participation and/or assistance is requested or offered by either implementing authority. Unless mutually decided and accepted, the investigation and cooperation laws, policies and procedures of the State of the implementing authority in charge of an investigation shall take precedence within that State's sovereign jurisdiction.

##### **General**

The implementing authorities may further decide on the terms of participation in aviation and maritime investigations by way of Statements of Expectations as to the conduct of investigations in general or in particular cases.





#### **PARAGRAPH 7 – AMENDMENT**

After coming into effect, this Annex may be added to or amended at any time by mutual consent of the implementing authorities specified in paragraph 2 and in accordance with Paragraph 11 of the Memorandum of Understanding.

#### **PARAGRAPH 8 – DATE OF EFFECT, DURATION AND TERMINATION**

This Annex will come into effect on the date of its signing and will remain in effect for the life of the Memorandum of Understanding;

This Annex will terminate on the same date as the termination of the Memorandum of Understanding. This Annex may be terminated separately to the Memorandum of Understanding by either implementing authority for this Annex notifying the other implementing authority of its intention to terminate this Annex at least 6 (six) months in advance.

#### **PARAGRAPH 9 – AUTHORITY**

The undersigned duly authorised thereto by their respective governments, have signed this Annex to the Memorandum of Understanding between Government of Australia and the government of Papua New Guinea on cooperation in the Transport Sector.

Signed at Port Moresby on this 11<sup>th</sup> of March 2022



FOR THE GOVERNMENT OF AUSTRALIA

FOR THE GOVERNMENT OF  
PAPUA NEW GUINEA

BY:



ANGUS MITCHELL  
CHIEF EXECUTIVE OFFICER  
AUSTRALIAN TRANSPORT SAFETY  
BUREAU

Date: 30<sup>th</sup> March 2022

BY:



DEAN KURI  
CHIEF EXECUTIVE OFFICER  
ACCIDENT INVESTIGATION COMMISSION

Date: 11<sup>th</sup> March, 2022

