



Australian Government

Australian Transport Safety Bureau

ATSB TRANSPORT SAFETY INVESTIGATION REPORT

Aviation Occurrence Report - 200506508

Final

**Breakdown of Separation
Yangon Flight Information Region, Myanmar
3 December 2005
Boeing 747-438 and Boeing 767-300**



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Abstract

On 21 December 2005, the State Administration of Ukraine for Aviation Safety Oversight (State Aviation Administration) notified the Australian Transport Safety Bureau (ATSB) that it was investigating an air safety occurrence involving an Australian operated Boeing 747-438 (747) aircraft, registered VH-OJO, and a Ukrainian operated Boeing 767-300 (767) aircraft, registered UR-VVF. The incident occurred in the Yangon Flight Information Region (FIR), Myanmar, on 3 December 2005.

The ATSB appointed an accredited representative to participate in the Ukrainian investigation in accordance with Annex 13 to the Convention on International Civil Aviation and with the requirements of the *Transport Safety Investigation Act 2003*.

The 747 was operating a scheduled service from Singapore to London at flight level (FL) 320, via airway route B463. Near position POXEM, the crew of the 767, which was on a converging track with that of the 747, requested a clearance to climb from FL300 to FL320. Yangon Air Traffic Services (ATS) cleared the 767 to climb to FL320.

At approximately 0020 Coordinated Universal Time (UTC), the 747 crew observed the 767 on the aircraft's airborne collision avoidance system, approximately 3 NM ahead and at the same level as the 747. Yangon ATS instructed the crew of the 747 to descend to FL310. Once the 767 had passed, the 747 was re-cleared to FL320.

The State Aviation Administration is the Ukrainian government agency responsible for the investigation of accidents and incidents involving Ukrainian registered and operated aircraft. The ATSB accredited representative's role in the investigation has been to provide that agency with relevant information about the 747 and its operation and a record of the pilot's report into the incident. The State Aviation Administration will publish the final investigation report.

THE AUSTRALIAN TRANSPORT SAFETY BUREAU

The Australian Transport Safety Bureau (ATSB) is an operationally independent multi-modal Bureau within the Australian Government Department of Transport and Regional Services. ATSB investigations are independent of regulatory, operator or other external bodies.

The ATSB is responsible for investigating accidents and other transport safety matters involving civil aviation, marine and rail operations in Australia that fall within Commonwealth jurisdiction, as well as participating in overseas investigations involving Australian registered aircraft and ships. A primary concern is the safety of commercial transport, with particular regard to fare-paying passenger operations. Accordingly, the ATSB also conducts investigations and studies of the transport system to identify underlying factors and trends that have the potential to adversely affect safety.

The ATSB performs its functions in accordance with the provisions of the *Transport Safety Investigation Act 2003* and, where applicable, relevant international agreements. The object of a safety investigation is to determine the circumstances to prevent other similar events. The results of these determinations form the basis for safety action, including recommendations where necessary. As with equivalent overseas organisations, the ATSB has no power to implement its recommendations.

It is not the object of an investigation to determine blame or liability. However, it should be recognised that an investigation report must include factual material of sufficient weight to support the analysis and findings. That material will at times contain information reflecting on the performance of individuals and organisations, and how their actions may have contributed to the outcomes of the matter under investigation. At all times the ATSB endeavours to balance the use of material that could imply adverse comment with the need to properly explain what happened, and why, in a fair and unbiased manner.

Central to the ATSB's investigation of transport safety matters is the early identification of safety issues in the transport environment. While the Bureau issues recommendations to regulatory authorities, industry, or other agencies in order to address safety issues, its preference is for organisations to make safety enhancements during the course of an investigation. The Bureau is pleased to report positive safety action in its final reports rather than make formal recommendations. Recommendations may be issued in conjunction with ATSB reports or independently. A safety issue may lead to a number of similar recommendations, each issued to a different agency.

The ATSB does not have the resources to carry out a full cost-benefit analysis of each safety recommendation. The cost of a recommendation must be balanced against its benefits to safety, and transport safety involves the whole community. Such analysis is a matter for the body to which the recommendation is addressed (for example, the relevant regulatory authority in aviation, marine or rail in consultation with the industry).

FACTUAL INFORMATION

On 21 December 2005, the State Administration of Ukraine for Aviation Safety Oversight (State Aviation Administration) notified the Australian Transport Safety Bureau (ATSB) that it was investigating an air safety occurrence involving an Australian registered and operated Boeing 747-438 (747) aircraft, registered VH-OJO, and a Ukrainian registered and operated Boeing 767-300 (767) aircraft, registered UR-VVF. The incident occurred in the Yangon Flight Information Region (FIR), Myanmar, on 3 December 2005.

The ATSB appointed an accredited representative to participate in the State Aviation Administration investigation into the occurrence, in accordance with clauses 5.18¹ and clause 5.23² of Annex 13 to the Convention on International Civil Aviation. To protect the information supplied to the State Aviation Administration, the ATSB initiated an investigation under the *Transport Safety Investigation Act 2003*. The report presented was prepared with information supplied to the ATSB. Reported times are referenced to Coordinated Universal Time (UTC).

The 747 was operating a scheduled service from Singapore to London, crossing the Yangon FIR at flight level (FL) 320, via airway route B463. Near position POXEM, the crew of the 767, which was on a converging track with that of the 747, requested a clearance to climb from FL300 to FL320. Yangon Air Traffic Services (ATS) cleared the 767 to climb to FL320.

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- 1 The State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall be entitled to appoint an accredited representative to participate in the investigation.
 - 2 Any State which on request provides information, facilities or experts to the State conducting the investigation shall be entitled to appoint an accredited representative to participate in the investigation.