

**MEMORANDUM ON COOPERATION BETWEEN
THE DEPARTMENT OF CIVIL AVIATION OF MALAYSIA (DCA)
AND THE AUSTRALIAN TRANSPORT SAFETY BUREAU (ATSB)
ON MATTERS OF AIR SAFETY**

1. To further enhance regional air safety, the ATSB and the DCA have agreed to develop a series of Memoranda of Understanding covering a range of air safety issues.
2. The first of these MOUs specifically relates to cooperation in the investigation of accidents and serious incidents. This MOU is at Attachment A. It is consistent with the Standards and Recommended Practices of ICAO Annex 13, and sets out provisions for cooperation in exchange of information, training and communication.
3. Further MOUs will relate to accident prevention, systems safety, confidential incident reporting and database development.
4. In entering into these MOUs, the objective of both Parties is the enhancement of aviation safety.

Signed in duplicate:



Ir. Kok Soo Chon
Director General of Civil Aviation
Department of Civil Aviation
Malaysia



Mr Kym Bills
Executive Director
Australian Transport Safety Bureau

Date: 25 August 2000 Date:

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF CIVIL AVIATION OF MALAYSIA (DCA)
AND
THE AUSTRALIAN TRANSPORT SAFETY BUREAU (ATSB)
RELATING TO COOPERATION IN THE INVESTIGATION OF ACCIDENTS
AND SERIOUS INCIDENTS**

1. This Memorandum of Understanding (MoU) expresses the specific understanding of the Australian Transport Safety Bureau (ATSB) and the Department of Civil Aviation of Malaysia DCA hereinafter referred to as the Parties of this MoU, concerning cooperation in the field of civil aircraft accident and serious incident investigation.
2. It is recognised that both Australia and Malaysia are Contracting States to the Convention on International Civil Aviation (the Chicago Convention) and that they therefore adhere to the Standards and Recommended Practices set out in Annex 13 to the Chicago Convention concerning accident and serious incident investigation. The ATSB and DCA are authorised to act internationally as the national authorities representing Australia and Malaysia in respect of aircraft accident and serious incident investigation matters and matters relating to civil aviation respectively. This MoU sets out the procedural arrangements for cooperation between the Parties to this MoU pursuant to Annex 13 to the Chicago Convention.

Resources and Implementation

3. Unless otherwise specified in this MOU, matters set out in this MOU are to be implemented jointly by the executing authorities and in particular, for the Government of Australia, the Australian Transport Safety Bureau of the Department of Transport and Regional Services and for the Government of Malaysia, the Department of Civil Aviation.



4. The funding required for the implementation of the matters set out in this MOU will be the responsibility of the Party invited to attend the investigation or course, unless otherwise arranged between the Parties.

Procedural Arrangements

5. Following an accident or serious incident (as defined at Attachment D to Annex 13 of the Chicago Convention) involving civil aircraft of either Party, the executing authority of the country of occurrence will in accordance with the requirements of Chapter 4 to Annex 13 of the Chicago Convention advise the other Party without delay. The executing authority of the country of occurrence will also invite an accredited representative (in accordance with Annex 13 of the Chicago Convention) from the other country to participate in the subsequent investigation. Following communication by either Party of an occurrence, the other Party will communicate, with a minimum of delay, details of the persons to participate in the investigation.
6. Should one 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 who was unable to attend the investigation will then be given 21 days since the receiving date by the designated authority in which to comment. The originator of the report, being the authority of the country in which an accident/incident occurred, has final control over the public release of any findings of the investigations.

Provision of Assistance

7. The Parties will offer assistance and the use of facilities to each other as deemed appropriate by the nature of the occurrence at no cost. This assistance will include expertise in the areas of investigation management and specialist investigation areas of air traffic services, engineering, flight recorders, human performance and organisational aspects and operations.

Training

8. The Parties will endeavour to provide each other with training in the various specialist areas of investigation as appropriate.

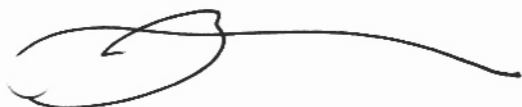


9. The Australian Transport Safety Bureau will, where practical, invite Malaysian investigators to attend investigation courses conducted by the Australian Transport Safety Bureau.

Consultation, Amendment etc

10. The Parties will consult on an annual basis on matters relating to this MOU, including consideration of any additions or amendments and to discuss relevant developments in air safety investigation, and will seek to foster, as appropriate, a range of opportunities for a more frequent exchange of information and communications to facilitate consultative processes and increased cooperation.
11. This MOU may be amended at any time by mutual consent of the Parties.
12. This MOU will come into effect on the date of signing and will remain in effect unless terminated by either Party giving the other Party three months written notice of its intention to terminate.

Signed in duplicate at _____
on the 25th day of August 2000



Mr Kym Bills
Executive Director
Australian Transport Safety Bureau
For the Government of Australia



Ir. Kok Soo Chon
Director General of Civil Aviation
Department of Civil Aviation
For the Government of Malaysia