



International Civil Aviation Organization

**First Meeting of the APRAST – Accident Investigation Ad hoc Working Group
(APRAST-AIG AWG/1)**

(Bangkok, Thailand, 6-8 June 2012)

Agenda Item 7: Voluntary and Non-Punitive Incident Reporting

THE ATSB VOLUNTARY AND CONFIDENTIAL REPORTING PROGRAMME

(Australia / Australian Transport Safety Bureau)

SUMMARY

A voluntary and confidential incident reporting scheme is an important component of a mature aviation safety system that complement a States mandatory reporting scheme. For a voluntary and confidential scheme to work effectively, aviation industry personnel must have confidence that the information they provide will be protected by State legislation. The Australian Transport Safety Bureau (ATSB) REPCON voluntary reporting scheme allows anyone who has an aviation safety concern to report it to the ATSB confidentially, knowing that their identity will be protected. REPCON will then use a de-identified version of the report to issue an information-brief or alert bulletin to people or organisations in a position to take action in response to the safety concern.

1. INTRODUCTION

1.1 A voluntary confidential reporting scheme is an essential part of a mature aviation safety system. It supplements, though of course does not replace, a comprehensive and well administered mandatory accident and incident reporting scheme. It must also complement other means of gathering information about hazards and risks, such as audit and surveillance by the regulator.

1.2 ICAO Annex 13, paragraph 8.2, contains a recommendation for contracting States to establish a voluntary incident reporting system to facilitate the collection of information that may not be captured by a mandatory incident reporting system. Paragraph 8.3 states that a voluntary incident reporting system shall be non-punitive and afford protection to the sources of information.

1.3 A voluntary confidential reporting scheme can provide safety information that would otherwise not be available, and can allow early identification of aviation safety problems and trends, leading to corrective action by operators and the regulator. It is widely recognised that a focus on the human factors associated with aircraft accidents and incidents is needed to further improve air safety, and a voluntary confidential reporting scheme can be an important part of that approach. Such a scheme is an effective way to collect data about the threats and errors of everyday operations. If a pilot reports a 'near miss' and recounts the lessons they learnt, then that information can be shared with the aviation community to the benefit of all.

1.4 The scheme should be available to anyone with an aviation safety concern. The scheme should be administered by an agency other than the State civil aviation regulator. This is because even the perception that the regulator may use the information reported to take action against specific individuals is likely to inhibit the number and comprehensiveness of the reports submitted. Hence, an independent third party should administer the scheme. For example, in Australia, this is the ATSB, and in the USA it is NASA, the National Aeronautics and Space Administration.

1.5 It should be understood that 'confidential' does not mean 'anonymous'. Knowing the reporter's identity, and being able to contact them, allows the agency to clarify and enlarge on the matter that is the focus of the report.

1.6 Confidential means that while the reporter's identity is known to the agency to which the report is submitted, their identity will not be passed on to any third party, such as an operator or the regulator. In addition, any details in the report that could lead to the identification of the reporter will be removed before the report is made public or available to a third party.

1.7 In States with smaller populations and aviation industries it can be difficult to adequately de-identify the information received to ensure confidentiality. There may only be one operator of a particular aircraft type, and only one individual with a particular role. For this reason confidential reporting is best used to address systemic safety issues rather than take action against individuals.

1.8 For a voluntary confidential reporting scheme to be successful the aviation industry must feel that it is a worthwhile endeavour. If the industry perception is that the information provided is not acted on, then it is unlikely that they will continue to submit reports. Hence, some form of publication is needed to make it clear that there is a safety benefit in submitting reports.

1.9 The International Confidential Aviation Safety Systems (ICASS) Group promotes confidential reporting systems as an effective method of enhancing flight safety in commercial air transport and general aviation operations. The principal objectives of the ICASS Group are,

- To provide advice and assistance in the start up and operation of a confidential reporting system
- To facilitate the exchange of safety related information between independent confidential aviation reporting systems
- identify solutions to common problems in the operation of such systems

1.10 There are currently ICASS Group confidential reporting programs in thirteen States.

2. REPCON

2.1 REPCON (Report Confidentially) is Australia's voluntary confidential aviation reporting scheme.

2.2 The REPCON scheme is given legal force in Australia by regulations under the *Air Navigation Act 1920*. The regulations establish a confidential reporting scheme for the Australian aviation industry in accordance with the recommendation in paragraph 8.2 of Annex 13, to allow persons who observe or become aware of safety concerns to report such concerns confidentially.

2.3 REPCON allows any person who has an aviation safety concern to report it to the ATSB in confidence. All personal information regarding any individual - either the reporter or any person referred to in the report - remains strictly confidential, unless permission is given by the subject of the information. Identity protection is afforded to any person referred to in the report, as

REPCON's purpose is not to be a 'dobbing' scheme. For example, if a REPCON report is about an individual, then the ATSB would encourage the reporter to report directly to the regulator.

2.4 The goals of the REPCON scheme are to increase awareness of safety issues and to encourage safety action by those best placed to respond to safety concerns. The ATSB can use confidential reporting to identify trends in hazards and risks that are relevant to more than just one operator, or that involve interactions between operators and the regulator.

2.5 REPCON encourages anyone who has experienced a 'close call' and thinks that others may benefit from the lessons that they learnt to submit a REPCON report. The reports can serve as a powerful reminder that, despite the best of intentions, well-trained people are still capable of making mistakes. The stories arising from these reports may serve to reinforce the message that we must remain vigilant to ensure the ongoing safety of ourselves and others.

2.6 A REPCON report can be about any matter that endangers, or could endanger, the safety of an aircraft. Examples include,

- unsafe scheduling or rostering of crew
- crew or aircraft operator bypassing safety procedures because of commercial pressures
- non compliance with rules or procedures

2.7 To avoid doubt, the following matters are not reportable safety concerns and are not guaranteed confidentiality,

- matters showing a serious and imminent threat to a person's health or life
- terrorist acts
- industrial relations matters
- conduct that may constitute a serious crime.

2.8 REPCON reports can be submitted via the web or email, or telephone or mail. Submission of a report known by the reporter to be false or misleading is an offence under Australian law.

2.9 Each REPCON report is thoroughly examined. If a report indicates a safety concern involving an aircraft operator, for example, the ATSB will remove information from the report that identifies individuals and then ask the operator to comment on the issue raised. The operator is then in a position to consider the issue and take any appropriate action. The operator may also review its own reporting systems to encourage the reporting of similar issues directly to the operator rather than through REPCON.

2.10 After the aircraft operator has been contacted for their comment, the de-identified report is forwarded to the Australian regulator, the Civil Aviation Safety Authority (CASA). CASA may consider that no further action is required, or it may conduct an education campaign, revise guidance material, increase surveillance or take some other form of regulatory action. Importantly, the ATSB will seek to close the loop with the reporter on what happens.

2.11 Information about REPCON reported safety concerns is also made available to the industry in the ATSB's section of the CASA Flight Safety Magazine. The ATSB encourages industry personnel to review these reports to consider whether there are any lessons that can be learnt in their own organisation. Also, if information from REPCON reports indicates that there is credible evidence of a significant safety issue, the ATSB may consider initiating an air safety investigation.

2.12 The following example outlines a REPCON report that benefited safety.

A reporter advised that the duplication of Common Traffic Advisory Frequency (CTAF) at various aerodromes over a large land area was leading to frequency congestion and increasing flight crew workload at a very busy and safety critical phase of flight. The reporter experienced significant difficulties in ascertaining a comprehensive picture of the traffic situation at Armidale due to the continuous cross over transmissions from another location CTAF. The time to gain a proper situational awareness of traffic in the circuit area reduced every time a call was not readable.

The Australian regulator, the Civil Aviation Safety Authority (CASA), was supplied with a de-identified copy of the report. CASA agreed with Airservices Australia to change the CTAF at Armidale.

3. ACTION BY THE MEETING

3.1 The meeting is invited to:

- a) Note ICAO Annex 13 paragraphs 8.2 and 8.3, that recommend that States establish a voluntary incident reporting system and afford protection to the sources of the information reported.
- b) Consider ways in which States in the Asia Pacific region can develop a regional voluntary incident reporting system.

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