



International Civil Aviation Organization
**Second Meeting of the Asia Pacific Accident Investigation Group
(APAC-AIG/2)**

(Hong Kong, China, 27-28 May 2014)

Agenda Item 2: Report on recent accident/incident investigation related developments and activities

PROTECTION OF SAFETY INFORMATION IN SINGAPORE

(Presented by Singapore)

SUMMARY

Singapore's Air Navigation Act has been amended recently. The amendment introduced provisions for the protection of safety information.

1. INTRODUCTION

1.1 The Air Accident Investigation Bureau of Singapore (AAIB) is responsible for conducting accident or incident investigation in Singapore. The AAIB also administers a voluntary, non-punitive incident reporting system called the Singapore Confidential Aviation Incident Reporting (SINCAIR) Programme.

2. DISCUSSION

2.1 Singapore's Air Navigation Act has been amended recently. The amendment, which came into operation on 1 April 2014, reinforced the objective of the no-blame Annex 13 investigations and introduced provisions to prevent misuse of safety information derived from accident/incident investigation reports and SINCAIR reports. The relevant provisions are compiled in **Attachment A**.

2.2 In particular, the amended Air Navigation Act now provides that an investigation report is not admissible as evidence in any civil proceedings and any criminal proceedings other than a coroner's inquiry, and protects the providers of SINCAIR reports.

3. ACTION BY THE MEETING

3.1 The meeting is invited to note the legal provisions introduced in Singapore on protection of safety information derived from accident/incident investigation and from the voluntary, non-punitive incident reporting system.

EXTRACT OF SINGAPORE’S RECENTLY AMENDED AIR NAVIGATION ACT

Section	Content
13G	<p>Protection for reporting aviation safety issues</p> <p>(1) Subject to subsection (4), the following:</p> <ul style="list-style-type: none"> (a) a report of an aviation safety issue made by a person (referred to in this section as the reporter) to a designated person in accordance with the voluntary reporting rules or any evidence of the contents of such a report; and (b) the fact that such a report of an aviation safety issue was made by the reporter to a designated person, <p>shall not be admissible in evidence against the reporter in any administrative proceedings before any tribunal in Singapore, any civil proceedings or any criminal proceedings before any court other than criminal proceedings for an offence under section 29C.</p> <p>(2) A person is not entitled to take disciplinary action against his employee using information derived from a report of an aviation safety issue made by the employee to a designated person in accordance with the voluntary reporting rules.</p> <p>(3) A tribunal is not entitled to make a decision of an administrative character (whether or not in the exercise of a discretion) under any written law against a reporter using information derived from a report of an aviation safety issue made by the reporter to a designated person in accordance with the voluntary reporting rules.</p> <p>(4) For the avoidance of doubt, this section does not prevent the use of information derived from a source that is not a report of an aviation safety issue made to any designated person in accordance with the voluntary reporting rules.</p> <p>(5) In this section, “tribunal” includes any person or body of persons constituted and vested by or under any written law to make a decision of an administrative character.</p>
14D	<p>Limitations on disclosure of records of investigation, etc.</p> <p>(1) In this section, “restricted information” means —</p> <ul style="list-style-type: none"> (a) all statements (whether oral or in writing) obtained from persons by an Inspector, or by a person acting under the authority of the Minister or Chief Inspector of Accidents, in the course of an investigation under this Part (including any record of any such statement); (b) all communications with any person having been involved in the operation of an aircraft that is being or has been investigated under this Part; (c) all medical or private information regarding persons (including deceased persons) involved in the accident or incident that is being or has been investigated under this Part; (d) any cockpit voice recording and transcript from such recording; (e) any air traffic services recording and transcript from such recording; (f) any cockpit airborne image recording and any part or transcript from such recording;

	<ul style="list-style-type: none">(g) records of the analysis of information or evidential material acquired in the course of an investigation under this Part (such as but not limited to flight recorder information), including any opinion expressed by a person in the analysis of such information or evidential material;(h) information that is contained in a report of an aviation safety issue made under the voluntary reporting rules;(i) information that is obtained or generated by a designated person in the course of considering a report of an aviation safety issue made under the voluntary reporting rules; and(j) records of the analysis of information contained in a report of an aviation safety issue made under the voluntary reporting rules, including opinions expressed by a person in that analysis. <p>(2) Subject to subsection (3), a person who is or has been an Inspector, a member of the staff of the AAIB, or an adviser, or who has or has had access to any restricted information, shall not disclose or make available any restricted information to any other person or a court.</p> <p>(3) Subsection (2) shall not apply —</p> <ul style="list-style-type: none">(a) to anything done by a person in performing functions or exercising powers under, or in connection with, this Part or the subsidiary legislation made for the purposes of this Part;(b) to disclosure to a court in criminal proceedings for an offence under any provision of this Part or the subsidiary legislation made for the purposes of this Part or under section 29C; or(c) to disclosure where the High Court determines that the benefits resulting from the disclosure outweigh the adverse domestic and international impact the disclosure may have on that or any future investigation. <p>(4) If a person is prohibited by this section from disclosing any restricted information, then the person cannot be required by any court to disclose the information, and any information disclosed by the person in contravention of this section shall not be admissible in any civil proceedings or any criminal proceedings (other than proceedings against the person under this section).</p> <p>(5) A report referred to in section 13B(7) is not admissible in evidence in any civil proceedings and any criminal proceedings, that is not an inquiry under the Coroners Act (Cap. 63A).</p> <p>(6) Notwithstanding anything in the National Library Board Act (Cap. 197), the Minister, the Chief Inspector of Accidents, an inspector and an investigator-in-charge shall not be required to hold aircraft records or factual information concerning an accident or incident that is being or has been investigated under this Part beyond such time as is necessary for the completion of the investigation and reports.</p>
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