



WORKING PAPER

**ACCIDENT INVESTIGATION AND PREVENTION (AIG)
DIVISIONAL MEETING (2008)**

Montréal, 13 to 18 October 2008

**Agenda Item 1: Annex 13
1.6: Final Report**

SAFETY ACTIONS AND SAFETY RECOMMENDATIONS

(Presented by Australia)

SUMMARY

This paper supports a new recommendation for the investigation authority to monitor safety recommendations issued. Additionally, the paper proposes that consideration is given to monitoring safety action more broadly.

Action by the meeting is in paragraph 3.

1. INTRODUCTION

1.1 WP/11 proposes inserting a new Recommendation 6.10 after Standards 6.8 and 6.9 of Annex 13 — *Aircraft Accident and Incident Investigation* to have the investigation authority of the State conducting the investigation monitor the safety recommendations issued. Australia agrees with this proposal in the circumstances where formal safety recommendations are issued and also to adding a 90 day response time to current Standard 6.10 (WP/12). However, Australia emphasise that formal safety recommendations are not always the first-best option.

1.2 Where possible, Australia seeks to encourage the relevant body to take safety action to remedy any safety issues or deficiencies as soon as possible during an investigation without any need for formal recommendations. This can have the advantage of safety action being taken by the relevant body earlier than would be the case if it waited for a formal recommendation. If the safety action is appropriate, the relevant body can be commended in the final report instead of potentially appearing deficient at the time the report is released, in which case it may resist safety action. Of course, there may still be a need for formal recommendations (i.e. when international action and monitoring is required).

1.3 In the context of the proposed new 6.10, it may also be desirable to include a further recommendation for States to encourage proactive safety action rather than making formal recommendations. Australia believes the current wording of Standard 6.8 does not prevent this if 'shall

recommend to the appropriate authorities’ is construed broadly. However, if there is not agreement on this, an additional recommendation in chapter 6 may be required.

2. DISCUSSION

2.1 The accident investigation authority should consider whether issuing formal safety recommendations is most likely to encourage timely safety action. The preferred approach may be that those individuals and organizations responsible for the management of an identified risk should be advised of the safety issue and encouraged to take proactive ‘safety action’ negating the need to issue formal safety recommendations. Safety action is a generic term used to describe the things that organizations and individuals do in response to safety issues or deficiencies in order to reduce safety risk and prevent future accidents and incidents.

2.2 Issuing safety recommendations as a first preference is not always consistent with the spirit of Standard 3.1 of Annex 13. Standard 3.1 advises that ‘the sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents. It is not the purpose of this activity to apportion blame or liability.’ Issuing formal safety recommendations may lead the aviation industry and the public to infer blame for an identified ‘failing’ or to delay or resist necessary or desirable safety action.

2.3 Advising the individual or organization of the safety issues (by recommending safety action without necessarily issuing a formal recommendation), and then reporting on appropriate safety action taken, provides the opportunity to show that the industry takes responsibility for addressing safety issues. When this approach is used, the parties involved in an accident or incident may be less likely to be apprehensive about findings being made about them and more likely to be fully cooperative during an investigation. If the parties involved in an accident or incident are cooperating with the accident investigation authority then the investigation is more likely to achieve its objective of preventing future accidents and incidents.

3. ACTION PROPOSED

3.1 Noting the above discussion, the meeting is invited to:

- (a) Revise the Secretariat’s proposed new recommendation (AIG/08-WP/11) after Standard 6.9 so that it is inclusive of both safety actions and formal safety recommendations being made and monitored and controlled by the investigation authority of the State conducting the investigation:

“the State conducting the investigation or any other State recommending safety action should implement procedures to monitor the progress of action taken in response.”

- (b) amend the heading before Standard 6.8 to ‘Recommended Safety Action’.