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and Spanish only¹

DIRECTORS GENERAL OF CIVIL AVIATION CONFERENCE ON A GLOBAL STRATEGY FOR AVIATION SAFETY

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Theme 1: The status of aviation safety today

Topic 1.3: Initiatives by States and industry

Theme 2: Improving aviation safety

Topic 2.1: Transparency and sharing of safety information

COORDINATION AND INTEGRATION OF SAFETY INITIATIVES AND TRANSPARENCY AND SHARING OF SAFETY INFORMATION

(Presented by Australia)

SUMMARY

Australia strongly supports improving coordination and integration of global aviation safety initiatives and agrees that transparency and sharing of safety information are fundamental tenets of a safe air transport system. This paper supports the action items in DGCA/06-WP/4 and DGCA/06-WP/5 in relation to the provision of safety oversight audit information and the protection, and gathering and use of sensitive safety information and improved data availability and quality from flight recorders.

1. INTRODUCTION

1.1 Australia supports the proposed action by the Conference as outlined in DGCA/06-WP/4 and DGCA/06-WP/5. The purpose of this working paper is to present a proposal to further improve the availability, protection and sharing of safety information among stakeholders as a basis for coordinated and integrated safety initiatives

¹ French and Spanish versions provided by Australia.

2. DISCUSSION

Improving the availability of safety data

2.1 Australia is a strong supporter of action from Assembly Resolution A35-17 to assist in the freer flow of safety information to enable its proactive use to reduce accidents. The helpful data prepared by the Secretariat in DGCA/06-WP/2 may usefully be supplemented by reference to data to the end of 2005 released by the Aviation Safety Network, in the 10-16 January 2006 issue of *Flight International*, and in analysis undertaken by the Flight Safety Foundation.

2.2 Within the Asia/Pacific category cited in DGCA/06-WP/2, Australia has been fortunate to have never had a fatal accident involving a passenger jet aircraft in civil aviation either in Australian airspace or involving an Australian operator internationally. From 1995 to 2005, Australia had two fatal accidents involving scheduled passenger services with passengers on board: a double engine failure over-water night ditching accident in a Piper Chieftain in September 2000 in which all eight on-board perished; and a controlled flight into terrain (CFIT) accident in May 2005 involving a Metroliner in which all fifteen on-board were fatally injured. In the first case, no recorders were fitted. In the second case, the flight data recorders (FDR) supplied good data but the cockpit voice recorders (CVR) did not supply any useable data. There has been substantial difficulty for investigators from the Australian Transport Safety Bureau (ATSB) establishing the causal factors of other fatal accidents involving charter and company aircraft flights where no recorders were fitted and where there was extensive aircraft damage but no witnesses.

2.3 Australia strongly supports the guidance for the protection of sensitive safety information in AN-WP/8087 considered by the Air Navigation Commission in early 2006. Unless sensitive safety information such as existing investigation material covered by paragraph 5.12 of Annex 13 — *Aircraft Accident and Incident Investigation* and newer sources of information such as through Line operations safety audit (LOSA), flight operations quality assurance (FOQA), confidential reporting and other safety management sSystem (SMS) material is properly protected, there is a real danger that the information will not be forthcoming in a timely and accurate way to enable proactive analysis and remedial action or promulgation of best practice. For example, if LOSA data received by an operator was to be used against it or its crew in a criminal prosecution related to the normal performance of crew duties, operators may cease to support LOSA. A major difficulty is defining what is 'inappropriate use' of such information in a way that does not impinge upon what the relevant judiciary regards as the 'proper administration of justice' within States. If the additional guidance developed does not lead to appropriate protection, additional measures may be required, perhaps ultimately including review of the Convention itself.

2.4 There is therefore a need for robust mechanisms for States to properly protect sensitive safety information along the lines of Annex 13, Paragraph 5.12, Assembly Resolution A35-17 and the guidance in AN-WP/8087 to maximise the free flow of safety information and its proactive use to reduce future accidents. This includes protection of sensitive information obtained by accredited representatives from an investigation being conducted by the State of Occurrence to ensure that this information is not made public and/or used without limitation in adversarial judicial processes.

2.5 Australia also supports improving the availability and quality of recorded information able to be analysed by accident investigators in the event of a fatal scheduled passenger aircraft accident. This could include the fitment of modern cockpit voice recorders, flight data recorders and, as recommended by the United State National Transportation Safety Board (NTSB), perhaps video recorders. The NTSB has also recommended extended recording capacity and a power back-up. The cost and capability of recorders would necessarily vary by aircraft size but newer lower cost technology could

allow for smaller aircraft to carry some recording equipment. There is also a need to ensure that recording equipment is serviceable.

2.6 A further source of valuable safety data for the investigation of fatal accidents may be retrieved from Global Positioning System (GPS) equipment and other memory chips. This requires investment in equipment and techniques to extract and analyse the data.

2.7 Australia has also supported the recommendations arising from the accident near Uberlingen, Germany, on 1 July 2002 to fit recording equipment in ground facilities dealing with air traffic control to capture any discussions or distractions faced by air traffic control (ATC) staff that may be relevant to a fatal accident.

2.8 Based on the foregoing, there is a need to examine strengthening requirements for the fitment, maintenance and capability of recorders carried on passenger aircraft that can assist investigators in the event of a fatal accident to establish causal factors and make necessary recommendations to seek to avoid similar accidents in the future.

Transparency and sharing of USOAP information

2.9 Australia supports the measures suggested in Paragraph 4.1a of DGCA/06-WP/5 in relation to making available safety oversight audit report information. The availability of this information is essential in order for informed decisions to be made about the level of safety oversight provided in international air transport. Australia has made public its confidential audit reports from 1999 and the 2001 follow-up mission, as well as the report of an ICAO audit of Annex 13 provisions conducted in 2004.

Initiatives by States and industry

2.10 Australia supports the measures suggested in Paragraph 5.1 of DGCA/06-WP/4 in relation to closer coordination of safety initiatives and noting progress towards the development of an integrated approach to safety initiatives through the Global Aviation Safety Roadmap (GASR).

2.11 Australia notes that some of the medium term actions proposed in the GASR relate to legal protection for safety information based on Standards and Recommended Practices (SARPs) and ICAO guidance and that until this protection is in place, appropriate sharing of sensitive information and integration and coordination of safety initiatives will be constrained.