

**Developing a
common understanding with
other stakeholders**

ITSA Meeting 2017

Different needs to investigate (1/2)

- Following a major transport occurrence, especially if there are fatalities, various stakeholders might need to investigate
 - State's accident investigation agency
 - The Regulator, e.g. Civil Aviation Authority, Maritime Port Authority or Land Transport Authority
 - Police
 - Prosecutors
 - Coroner

Different needs to investigate (2/2)

- Need for common understanding of each agency's rights and obligations
- Establish a mechanism acceptable to all the parties concerned
- Facilitate the collection of evidence in the field
 - Avoid a chaotic 'power struggle' on-site
 - Assure the general public of a whole-of-government principle to managing a crisis

Understanding Established with Judicial Authority (1/3)

- TSIB informed the Attorney General Chambers (AGC) of the international obligations under Civil Aviation Convention and Safety of Life at Sea Convention and the purpose of TSIB's investigation:
 - Prevention of accidents and incidents and does not seek to apportion blame or liability
 - TSIB's investigation has to be independent from any judicial or administrative proceedings

Understanding Established with Judicial Authority (2/3)

- Information under 5.12 of Annex 13 and similar information collected for marine investigations are not share with AGC*

* unless the Singapore 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 investigations.

- Other factual information can be shared with AGC, through the JSOP established with Singapore Police Force (SPF)

Understanding Established with Judicial Authority (3/3)

- TSIB's investigation reports are not admissible in civil/criminal proceedings except for Coroner's Inquiry
- Public release of TSIB's investigation reports prior to the conclusion of a judicial proceeding will not be regarded as sub judice contempt.

SOP on Investigation Coordination

Joint SOP with Police (1/3)

- SPF acts on behalf of AGC and the Coroner (when fatalities involved) during air accident
- Hence, there is a need to have a SOP with SPF on investigation corporation
 - Elaborate the activities of the Police and TSIB during an investigation of an air accident or incident, and
 - Enhance response coordination by reconciling differences in investigation needs and processes

Joint SOP with Police (2/3)

- Command of the accident site
 - Any foul play?
 - If fatalities, police will conduct investigation for the purpose of a Coroner's Inquiry
- Investigation and Scene Management
 - Different practices in handling of the accident site
 - Collection and custody of evidence
- Work together in documenting the accident site

Joint SOP with Police (3/3)

- Sharing of Evidence/Information
 - Legislation restricts TSIB in sharing certain information
 - Police obtain information from the source, or apply to the High Court
- Destructive testing
- Interviewing of witnesses
- Police personnel attend Annex 13 investigation course
- TSIB officers attend Police's evidence collection training

GDx with Police – Putting SOP into test



MOU with regulator

- CAAS needs to conduct their own investigation following an occurrence
- Close coordination with CAAS is necessary
 - One 1 set of evidence, and TSIB does not wish to impede CAAS' investigation,
 - Information management of advisers/observers from CAAS
- Looking into similar MOU with MPA

MOU with regulator

- Sharing of safety information
 - Sets expectation on what can be shared
- Incident management and investigation
 - Notification to each other
 - Rights and obligations in an investigation
 - Briefing to Ministry and media

Conclusion (1/2)

- Safety investigation ought to be separated and independent while recognising there is no duplicate sets of evidence
- Relevant stakeholders made aware that data collected by safety investigation agency not to be used for any criminal or administrative proceedings

Conclusion (2/2)

- Local agencies aware of safety investigation agency's needs in advance
- Good to have table-top exercise/deployment exercise to fine tune the SOPs

Thank You