



Advancing the interests of our
members and the profession



ACCIDENT INFORMATION FOR PILOTS

Guide for Flight Crew Involved
in an Accident or Incident

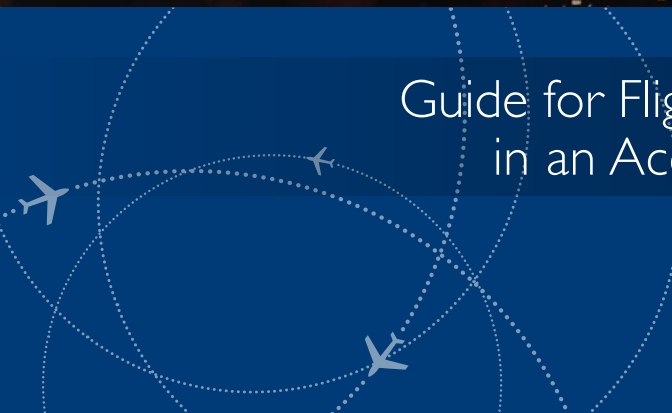


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DEFINITIONS

The ICAO Annex 13 definitions for Aircraft Accident and Incident are as follows:

Aircraft Accident

An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which:

- a. a person is fatally or seriously injured
- b. the aircraft sustains damage or structural failure
- c. the aircraft is missing or is completely inaccessible.

Aircraft Incident

An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

For a list of reportable matters, please refer to your Company Flight Administration Manual, or equivalent.

Cover image courtesy of Chris Lin, F/O B787.

This photo was taken on descent into Melbourne on 1 March 2019 on QF50 SFO-MEL. B787 VH-ZNF. On the flight deck, Capt. Gavin Baker and F/O Chris Lin.



INTRODUCTION

This publication is intended to assist you following an aircraft accident or serious incident that could give rise to either a company or official transport safety investigation. A Quick Reference Guide and Contact Directory have also been issued to you in conjunction with this Guide. It is not possible for these resources to provide complete advice for every situation. They do, however, present broad principles designed to protect you from circumstances that can give rise to unjust treatment later.

If you are involved in an accident or serious incident, you could be subject to questioning by police and/or other government authorities, criminal prosecution, government enforcement action against your licence and/or disciplinary action by your employer.

Additionally, you could also be detained in a foreign country. It is important that you follow company procedures and that you act appropriately in order to avoid possible adverse consequences.

Every effort has been made to ensure that the content of the guidance material provided is consistent with information published in company manuals. However, should any discrepancy exist, company manuals must take precedence.

THE IMMEDIATE POST ACCIDENT OR INCIDENT SITUATION

1. Discharge your responsibilities to ensure the safety and welfare of your passengers and crew (including emergency medical attention if required).
2. Do not erase the Cockpit Voice Recorder (**CVR**) as it could later be construed as a hostile act and used against you in subsequent legal proceedings.
3. If possible, collect operational documents including flight plan, NOTAMS, INTAMs, loadsheets, clearances and special load notification (**NOTOC**).
4. Secure the aircraft so that removal or interference with its contents is only permitted to authorised officials (transport safety investigation authority, police or customs).
5. Remain in control of the aircraft until responsibility is transferred to an appropriate person. In the case of an evacuation, the Rescue and Fire Fighting (**RFF**) service should assume control of the aircraft once the evacuation has commenced.
6. **Notify your Company** (refer to Contact Directory for telephone numbers) who should contact the local government authorities on your behalf and activate the company's emergency response plan.

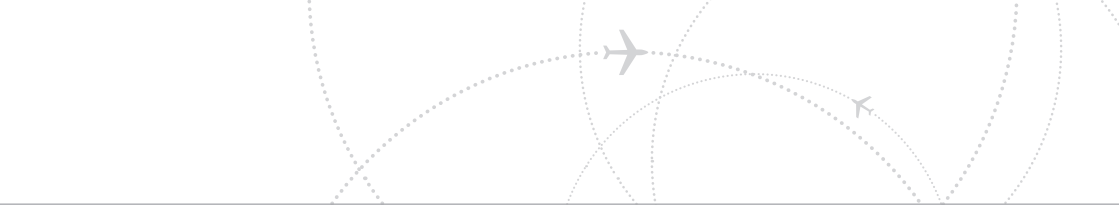
Additionally, request logistical support for crew (i.e. transport).

7. **Call the AIPA/IFALPA or the local IFALPA Member Association (if there is one listed) Accident/Incident Hotline** as soon as you are assured that the immediate needs of your passengers and crew members are being met. If you are unable to reach AIPA on **+61 2 8307 7788 (24 hours)**, call the International Federation of Air Line Pilots' Association (IFALPA) on **+44 1 202 653 110 (24 hours)** or the local Member Association of IFALPA. Contact details are located in the Contact Directory. Relay the following details, as known:

- Your name;
- Date and time of occurrence;
- Location;
- Aircraft type;
- Information regarding injuries and/or fatalities;
- Extent of aircraft damage (major, minor, hull loss);
- A brief factual description of accident (phase of flight, etc);
- Names of crew members and extent of injuries; and
- Your telephone contact at the accident location

The quicker AIPA is informed, the better.

8. If required, AIPA will provide you with:
 - legal advice on your rights;
 - legal representation in Australia and in most international ports via IFALPA's network;
 - support for you and your family;
 - advice on being interviewed by investigating authorities;
 - An AIPA representative to accompany you at company and/or ATSB interviews. (You are entitled to have the support of an AIPA representative at any interviews with company officers).



You should also be aware of the services of the Peer Assistance Network (**PAN**). PAN is a peer based support service accessible by pilots in the Qantas Group. It is jointly funded by AIPA and Qantas, and operates at arms-length. Contact AIPA for PAN contact information.

9. Relocate and isolate all crew away from the accident location (obtain rest facilities away from passengers if possible).
10. Conduct a factual debrief with all crew. Attempt to limit speculative conversations and keep the crew informed of any changes to the direction given by the company. Advise the crew to refer all enquiries from police or other authorities to the Pilot In Command (**PIC**).
11. Always seek medical advice and clearance as a matter of precaution before submitting yourself to any form of interview.
12. Regardless of the circumstances, the crew nearly always suffers some post-accident or-incident trauma. Again, it may be advisable to seek medical assistance. Stress levels may also be increased by requests for information or decisions from other flight crew, police and company personnel. Acknowledging and recognising the need to consider and control emotion is an important process and usually the first step in taking a degree of control of the situation.
13. If the company or a government authority presses you to make a statement or to be interviewed, tell them you will make a statement as soon as you are medically cleared and your AIPA representative arrives or provides advice. If a safety-of-flight item needs correcting immediately, you can, of course, mention it – and then stop right there until you have representation or advice from AIPA.

Do not, under any circumstances, submit to an interview with local authorities on the day of the occurrence. Circumstances will naturally vary but, in general, no statement should be made or questions answered until a period of at least 12 hours has elapsed or a night's rest intervened since the occurrence.

If you are compelled or forced to make a statement, your statement should be short and factual. Do not speculate. If possible, do not allow the use of any recording equipment, and do not sign anything without legal representation. You can write out the sample statement and use it as your statement. See example at the end of this document (also included in the Quick Reference Guide for carriage by you at all times).

14. If possible, do not give up your pilot's licence to any official.
15. Retain original documents such as the flight plan, NOTAMs, INTAMs, loadsheets, clearances and NOTOC if possible for future reference. If required to hand over any documents, ensure receipts are obtained from the person taking them and record their details. If possible, obtain copies of all original documents relating to your flight and retain them for your use only. These can prove invaluable when you are trying to reconstruct the various aspects of your flight.
16. You may wish to make some private notes on the accident. Notes may be helpful at a later date when memory begins to fade, especially if you become involved in legal proceedings. Notes should be chronological and detail your experience, actions and persons you dealt with. Do not confer with other flight crew when compiling your notes.

17. Never make a statement to the media. Journalists may be trying to gain access to you. Do not make any statements, give any interviews or grant permission for filming. All media enquiries should be directed to your company or AIPA's spokesperson.
18. Refrain from making any posts on your social media account.
19. Prepare all written statements with the help of your representative if possible.
Remember: A hastily written statement initially designed to help you could be taken out of context and introduced as evidence against you at a future date. Again, if you are compelled or forced to make a statement, you may write out the sample statement and use it as your statement.
20. Contact your family, but use discretion in inviting them to the scene. Advise them that AIPA will contact them to offer assistance. If you feel the media or others may bother your family, they should establish a private phone line.
21. Laws governing the requirements for alcohol and other drugs testing of flight crew post-accident or incident vary around the world. In some jurisdictions, refusal to submit to a test may be an offence in itself. Where possible AIPA will advise you on the requirements to comply with any alcohol or other drugs testing.
22. Your company will be aiming to repatriate you back to Australia as soon as practicable. Unfortunately, this is not always possible due to legal, customs and immigration rules. Stay calm and follow instructions given by your company. Your company will liaise with AIPA and local Australian consular staff. Be prepared to leave at short notice but do not attempt to leave without the proper clearances.
23. Following an accident or serious incident, you can expect to be withheld from service. This is standard procedure and should not be seen as disciplinary action but as a precautionary safety measure.
24. Government transport safety investigators generally will not arrive for several hours or until the next day following an accident or serious incident. The interview process varies between countries and cultures, but generally investigators will not interview you prior to receiving adequate rest. In many countries information obtained during an interview with investigators may be used to prosecute flight crew members or other parties. You should determine your rights and responsibilities on dealings with investigators by seeking direction from your company and advice from AIPA. If you are required to provide information to investigators prior to receiving advice from your company or AIPA, limit details to the sample statement.
25. AIPA can provide advice and assistance to you prior to any company and/or ATSB interviews and can accompany you at interviews as part of a safety investigation following an accident or incident



AUSTRALIAN CONSIDERATIONS

Regulatory Reporting Requirements

As the “responsible person”, the PIC or delegate has an obligation to ensure an accident or serious incident is reported to the authorities as soon as practical. In Australia, an initial verbal report to the ATSB is required, followed by a written Air Safety Incident Report (**ASIR**). In practice the best method for achieving this is by contacting your company and submitting an ASIR to the company as soon as possible but in any case within 24 hours. Your company will forward the details to the ATSB. You are requested to send a copy of the ASIR to AIPA via email (office@aipa.org.au), addressed to Safety and Technical.

Limit the initial report to the pertinent facts. More detailed statements can be provided after you have been medically cleared and had time to rest and recuperate.

ATSB

General

The ATSB, operating under the *Transport Safety Investigation Act 2003 (TSI Act)*, will be the primary investigation agency for aircraft accidents in Australia. The ATSB is a 'no-blame' investigator and only investigates for the purpose of improving future safety. It does not apportion blame or seek to determine liability. If there is wreckage the ATSB will normally take control of it and take any parts it needs back to the ATSB for further analysis. If there are human remains these will be tended to by the Coroner. The Coroner will generally hold an inquiry if there have been fatalities after the ATSB has completed its investigation. The ATSB report is admissible in a coronial inquiry but not in any other legal proceedings. The Civil Aviation Safety Authority can independently investigate and refer matters to public prosecutors who may lay criminal charges. Depending on the circumstances there may also be other investigations conducted by agencies such as WorkCover or the police. You can view the TSI Act on the ATSB website.

ATSB Safety Investigation

You may be required to report and give evidence to an ATSB investigator. Where the ATSB uses Section 32 of the TSI Act, self-incrimination is not an excuse for not answering questions or providing evidential material, and anything you say or provide the ATSB cannot be used against you in criminal or civil proceedings. Your statement and documents you provide will be protected as restricted information under the TSI Act. This prevents the ATSB from disclosing the information in criminal proceedings except for an offence against the TSI Act (i.e. lying to an ATSB investigator). There are also protections from the information being used in civil proceedings. This can only occur with a certificate from the ATSB stating that the disclosure of the information is unlikely to interfere with any investigation. Given the sensitivity of crew statements and other information, restricted information is closely protected by the ATSB from civil proceedings. The ATSB has published a brochure titled *Interview Protocols in Transport Safety Investigations* explaining the ATSB interview process. This is accessible on the ATSB website. Importantly you are entitled to have a person of your choice present during an interview (this can be an AIPA representative). Before the ATSB report is published, you will normally receive a copy of the draft report for comment.

On Board Recordings

On Board Recordings (OBR) such as the CVR, are governed by Part 6 of the TSI Act. You should be aware that OBR information is often essential to the ATSB understanding what happened in an accident and encourage safety action. There are potential criminal penalties in the TSI Act for erasing an OBR but there are also very strong protections to prevent the OBR being used against you. Following an occurrence, OBR come under the control of the ATSB. The details are not normally released to the public if there is an ATSB investigation other than through a published report which is protected from use in civil or criminal proceedings. However, information from an OBR will only be published in a report if it is pertinent to that ATSB's analysis and names of individuals will be removed. Further, the OBR cannot be admitted against you in criminal or disciplinary proceedings unless you have been involved in committing serious crimes that have nothing to do with your flight crew duties such as drug running or terrorism. The CVR can only be admitted in civil proceedings where the ATSB signs a certificate stating that disclosure is not likely to interfere with any investigation and the court conducts a public interest balancing test. Because of the likely adverse affect on future investigations it is very unlikely that the ATSB will issue a certificate unless there are extreme circumstances showing an investigation would not be affected. The Coroner may have access to OBR information after the ATSB has completed its investigation but can only use it if the information cannot be obtained from another source. Furthermore, the Coroner has the power to prevent publication of the information outside the Coroner's court.



Photograph courtesy of ATSB



INTERNATIONAL CONSIDERATIONS

It is not possible to give guidance for every jurisdiction in which an accident or serious incident may occur. When an accident or serious incident occurs outside Australia you may feel isolated. You are to follow the instructions given by your company. Your company may dispatch a response/assistance team to your location and AIPA may also send representatives to assist you. The local Australian consulate, local company representatives and other slipping flight crew are other resources that may be useful.

AIPA's affiliation with IFALPA provides AIPA members with prompt local overseas assistance in the event of an accident or serious incident in most locations abroad. To access local support, contact AIPA on the Accident/Incident Hotline **+61 2 8307 7788 (24 hours)** or if you are unable to reach AIPA, call IFALPA on **+44 1 202 653 110 (24 hours)** or the local IFALPA Member Association (if one is listed).

Refer to the Contact Directory for international (IFALPA Member Association and Australian consulate) contact information.

AIPA INVESTIGATORS

AIPA has trained aircraft accident investigators (AAIs), accredited by IFALPA, who will be attempting to be included in the State transport safety investigation team. AIPA's investigators will be aiming to achieve a just and thorough investigation that is conducted under the auspices of ICAO Annex 13 and will operate independently of flight crew, your company and AIPA.

ATSB-AIPA Memorandum of Understanding

AIPA and the ATSB renewed the MoU in November 2018 which provides a framework and the principles through which the safety expertise and resources of both parties can be coordinated in the event of an incident or accident.

While AIPA and the ATSB clearly have separate and independent roles in the aviation industry, the agreement facilitates better cooperation and sharing of information, allowing the ATSB to call on the knowledge and experience of AIPA AAIs for particular investigations. (Note: Many of the AIPA AAIs have attended ATSB courses, as part of this process.)

SAMPLE STATEMENT (handwritten)

I, *(name)*, am employed as a pilot by *(airline and location of main offices)*. I am based at *(location)*. I am making this statement only for the safety investigation with the understanding that it will only be used for that purpose.

I served as the *(Capt/FO/ISO)* on aircraft registration *(registration)*, which operated as *(airline name)* Flight *(number)* between *(airport name)* and *(airport name)*, and which departed *(airport name)* on or about *(UTC, day, month and year)*. The other crew members were *(list both flight crew and cabin crew, giving position and crew base)*.

I am fully qualified and current to serve as a *(Capt/FO/ISO)* by *(airline)*, and I am certified by the Australian Civil Aviation Safety Authority, licence number *(licence number)*, with the following ratings *(ratings)*. I possess a valid medical certificate dated *(date)*.

I am a citizen of *(country)*, residing at *(address)*. My passport number is *(number)*, issued by *(country)*, on *(date)*, which expires on *(date)*.

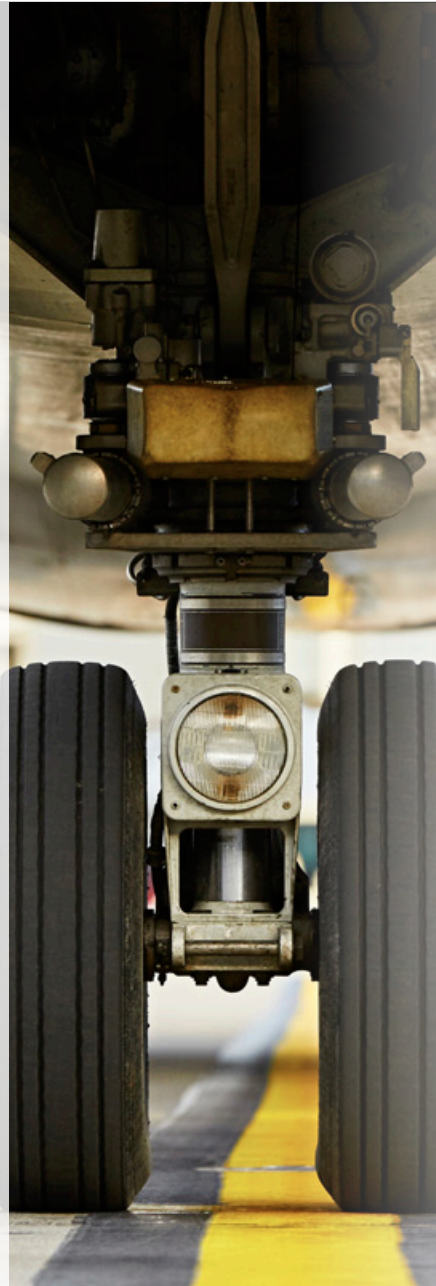
Option 1 (preferred)

There appears to be an occurrence involving Flight *(number)*. This occurrence is currently under investigation by *(airline)* and the appropriate government authorities. I intend to cooperate fully in this investigation. I am not in a position to provide specific factual information at this time. I will provide any facts relating to the occurrence as soon as I can confirm them.

Option 2

At approximately *(time of event)*, *(factually describe occurrence, i.e., "we lost no. 2 engine" or "smoke filled the cabin" or "we made a precautionary landing at (airport name) and evacuated the aircraft")*. I have no information as to what caused the problem. I will fully cooperate in any investigation to determine what led to this occurrence. I will provide further facts relating to this occurrence as soon as I can obtain and confirm them.

(signature and date)





GUIDELINES FOR OFFICIAL INTERVIEWS

1. Never talk to a government official without your representative present if possible.
2. Keep your answers short and to the point. Stick strictly to the facts.
3. Do not start any statements with “I think...”.
4. While you must produce your licence to a regulatory authority or law enforcement official for examination, you should not allow that official to retain your licence. A formal set of procedures must be followed before you can be required to relinquish your licence.

FIVE POINTS YOU CAN'T AFFORD TO FORGET

1. **Call** AIPA immediately on the Accident/Incident Hotline **+61 2 8307 7788 (24 hours)** or if you are unable to reach AIPA, call IFALPA on +44 1 202 653 110 (24 hours) or the local IFALPA Member Association (if one is listed).
2. **Wait** for your representative to arrive before making any statement or giving interviews if possible. If forced to provide a written statement, follow the sample statement provided on the previous page.
3. **Contact** your family and advise that AIPA will contact them to offer assistance.
4. **Make** copies of all the original documents relating to the flight and keep them, along with any private notes, to yourself.
5. **Remember**, AIPA is the only participant without any other economic interest to protect following an accident and only has your interest to protect.

AIPA ACCIDENT/ INCIDENT HOTLINE

+61 2 8307 7788
(24 hours, reverse charges accepted)

**If outside Australia and unable to reach AIPA, call:
IFALPA +44 1 202 653 110 (24 hours) or the local
IFALPA Member Association**

Call your company and AIPA **immediately** if you are involved in an aircraft accident or serious incident to obtain advice and assistance.

If for any reason you are unable to make an international call, contact the nearest Australian consulate, advise them of the problem and ask them to contact AIPA.