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AIC for Malaysia



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INSPECTION AND INVESTIGATION OF AIR ACCIDENTS

1 INTRODUCTION

1.1 This AIC is issued in the exercise of the powers conferred on the Director General of Civil Aviation under Section 24(o) of the Civil Aviation Act 1969 to highlight operators of the obligation of the Malaysian Ministry of Transport to investigate aircraft accidents and serious incidents that occurs in Malaysia regardless of nationality of registration.

2 REGULATIONS

2.1 The Civil Aviation Regulations 1996 (CAR 1996) [P.U (A) 139/1996] in particular Part XII-Investigation of Accidents, Regulations 122 to 139 provide the laws to enable the Minister to order the investigation.

3 OTHER APPLICABLE PROVISIONS:

- a. Regulation 195 which relates to mandatory reporting of an incident not amounting to an accident or serious incident.
- b. ICAO Annex 13 Aircraft Accident and Incident Investigation will be applied.
- c. ICAO Manual of Aircraft Accident and Incident Investigation.

4 PROCEDURES

4.1 All investigations will be carried out in accordance with procedures in the ICAO Manual of Aircraft Accident and Incident Investigation, and the 'State of Occurrence' in case the accident takes place in Malaysian airspace is Malaysia.

4.2 An accident is an occurrence associated with the operation of an aircraft which 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 as a result of
 - i. being in the aircraft;
 - ii. direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
 - iii. direct exposure to jet blast,
 - b. the aircraft sustains damage or structural failure which
 - i. adversely affects the structural strength, performance or flight characteristics of the aircraft; and
 - ii. would normally require major repair or replacement of the affected component,
 except for engine failure, or damage, when the damage is limited to the engine, its cowlings or accessories, or for damage limited to propellers, wing tips, antennae, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or
 - c. the aircraft is missing or is completely inaccessible;
- Under the above circumstances, other incidents which occur on the ground and does not involve passengers or while the aircraft in not under its own power will be regarded as ground incidents and will not come under the

purview of the Chief Inspector of Air Accidents.

4.3 All accidents involving aircraft issued with Certificates of Airworthiness will be investigated by the Inspectors Of Air Accidents, Ministry of Transport in accordance with ICAO Annex 13. In case an incident occurs in Malaysian airspace but the aircraft lands in another country, the investigation will be delegated to the State of Registry.

4.4 For the purpose of carrying out investigation into the circumstances and causes of any accident, the Minister shall appoint persons as Inspectors of Air Accidents, one of whom shall be appointed by the Minister as the Chief Inspector of Air Accidents.

4.4.1 The Chief Inspector of Air Accidents shall have authority to appoint any other persons as experts to assist in the investigation. He may lead the investigation or appoint an Air Accident Inspector to be the Investigator-in-Charge.

4.5 As the fundamental purpose of investigating accidents under the provisions of Civil Aviation Regulations 1996 and the ICAO Annex 13 shall be to determine the circumstances and causes of the accident with a view to the preservation of life and the avoidance of accidents in the future, it follows that if during an investigation when it is realized that the accident was due to an act which is criminal in nature, it is the duty of the Chief Inspector of Air Accidents to stop the investigation and handover the investigation to the police for their further action.

4.6 Accidents involving aircraft carrying dangerous goods

4.6.1 When an accident or serious incident occurs whereby the aircraft involve carry or loaded with dangerous goods, for the safety of rescuers and investigators, it is the duty of the commander or the operator or its representative to inform the Chief Inspector of Air Accidents and Director General of Civil Aviation as soon as practicable of the presence of dangerous goods on the affected aircraft. In the case whereby Malaysia is not conducting the investigation, the Chief Inspector of Air Accidents should forward such information to the state conducting the investigation.

4.7 Airport Closure

4.7.1 In case of an accident whereby a runway or the airport is caused to be closed, the Chief Inspector of Accidents must be informed by the most expedient mean so that a decision can be made on the next course of action including the removal of disabled aircraft and reopening of the airport. In this regard the Chief Inspector of Accidents or the Investigator-in-charge shall consider all prevailing circumstances before he decides that the airport may be reopened.

4.7.2 For the purpose of investigation, the Chief Inspector may exercise its powers under Regulation 127 to require the airport where an accident has occurred, be closed for a reasonable period to allow an investigation to proceed. In this regard sufficient notice should be given to the airport authority to allow rerouting of inbound or outbound traffic.

4.8 Air Traffic Control units are required to inform the Chief Inspector of Air Accidents of all incidents and accidents. This requirement is also published in the Manual of Air Traffic Services. For the purpose of investigation, all Air Traffic Services communication recordings and documents associated with the accident flight are to be secured and placed in safekeeping except for the purpose of preparing a transcript under the directive of the Director of Air Traffic Services and the Chief Inspector of Air Accidents.

4.9 Following an accident and pending the arrival of the investigators, the manager of the ATC unit should arrange a medical examination of the aircrew member. In cases involving fatalities, autopsy examinations are required on the accident victims. This is normally done with the assistance of the local police. The medical report of the air crew and/or the autopsy report as the case may be shall be procured as part of the investigation process.

4.10 The aircraft wreckage would be secured for the purpose of investigation. Any unlawful interference to the wreckage will be reported to the aviation security authorities under Regulation 128 (5) of CAR 1996 for further action.

5 REPORTS

5.1 The fundamental purpose of investigating accidents under the provisions of Civil Aviation Regulations 1996 and the ICAO Annex 13 shall be to determine the circumstances and causes of the accident with a view to the preservation of life and the avoidance of accidents in the future, it is not the purpose to apportion blame or liability. The report by the Chief Inspector of Air Accidents on accidents must have a statement to this effect.

5.2 It is the responsibility of the Chief Inspector of Air Accidents to present the result of the investigation or the accident report to the Minister of Transport for approval before it can be made public.

5.3 The manner in which reports are produced shall be as follows:

Firstly, the final draft report shall be produced and forwarded as follows for comments:

- i. The operator directly or through the national aviation authority
- ii. The national air accident investigation authority
- iii. The national aviation authority
- iv. The authority of the State of Manufacture

- v. The authority of the State of Design
- vi. The manufacturer of the aircraft
- vii. The manufacturer of the engine, if applicable

When all the relevant parties have submitted their comments on the draft report within a reasonable period, the final report incorporating all the acceptable comments should be produced and submitted to the Minister for approval.

5.4 While a formal investigation is still in progress a preliminary report should be made available within 3 months and submitted to the Minister when requested. This report will only contain factual information and significant flight safety issues that need urgent measures by the DCA and operators in order to prevent occurrence of similar nature.

5.5 If the final report cannot be released within 12 months, an interim report detailing the progress of the investigation and any safety issues raised to prevent recurrence, should be released to the Director General.

5.6 The relevant parties mentioned in the report should respond to the safety recommendations made in the final report to the Director General of Civil Aviation copied to the Chief Inspector of Air Accidents informing the preventive action taken or under consideration or the reasons why no action will be taken.

6 VOLUNTARY ACCIDENTS AND INCIDENTS REPORTING IN ACCIDENTS AND INCIDENTS DATABASE:

6.1 The Chief Inspector of Air Accidents maintains an accidents and incidents database. When an accident or serious incident happens it is mandatory for the aircraft commander of the accident aircraft or if he is killed or incapacitated, then the owner, operator, hirer of the aircraft to report to the Chief Inspector of Air Accidents.

6.1.1 Besides the mandatory reporting, the public is encouraged to voluntarily report all accidents and incidents for monitoring if in their knowledge it was not officially reported. Such report will be examined for appropriate actions. The name of the reporters if supplied, and the report itself will be kept confidential.

7 CONCLUSION

7.1 This circular is issued to highlight all Malaysian Air Operators and Operators flying into Malaysia of the enforcement of Malaysian regulations and ICAO requirements with regards to Aircraft Accidents and Serious Incidents investigation.

DATO' IR KOK SOO CHON

Director General

Department of Civil Aviation

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