

# Family Assistance Code

The Code for the Preparation of Airline Family Assistance Plans has been drawn up in consultation with the civil aviation industry and response agencies.

The code sets out Australia's minimum standards with regard to airlines operating to, from, and within Australia in rendering assistance through their Family Assistance Plan to victims, and the families of victims, in the event of a major civil aircraft accident involving loss of life, and serious injury.

Adoption of the Code is voluntary, not mandatory, however the Department of Infrastructure and Regional Development advocates its use by airlines.

The introduction of mandatory compliance will be considered in the event that voluntary adoption proves ineffective.

## Introduction

Recent years have seen an acknowledgment that an aircraft accident involves not only victims of the accident, but also extends to the distress and pain suffered by the families of victims.

International experience confirms the need for distinct and sensitive treatment of victims, and the families of victims, involved in an air carrier accident. This has received explicit international recognition with the publication by the International Civil Aviation Organization (ICAO) of Circular 285, *Guidance on Assistance to Aircraft Accident Victims and their Families*.

In the event of a civil aircraft accident in Australia, State and Territory agencies have well established and effectively maintained emergency response plans, supported, if required, by resources of the Commonwealth Government, coordinated through Emergency Management Australia (EMA). All licensed airports are required to adopt and regularly practise Airport Emergency Plans (AEPs) in conjunction with relevant emergency response authorities and airlines. The Commonwealth, through the Department of Infrastructure and Regional Development, the Australian Transport Safety Bureau (ATSB), the Civil Aviation Safety Authority (CASA), Airservices Australia and Australian Search and Rescue (AusSAR), also has emergency plans to deal with, and respond to, issues associated with an aviation emergency. If there are fatalities involved, the State or Territory Coroner will have a major role. In most cases, State or Territory Police will be in initial control of the site.

However, while response agencies can provide some immediate assistance as a result of an aircraft accident, the principal responsibility for assisting victims and their families rests with the air carrier.

## Objectives

The Code provides guidance for the development of a family assistance plan by all regular public transport (RPT) and charter operators providing passenger services to, from or within Australia. A written assurance is sought by the Department from all applicable operators that such a plan has been developed, and arrangements central to the operation of the plan are in place.

## Scope

### Meaning of victim

For the purposes of this Code, a victim is an occupant of a civil aircraft, or any person outside the aircraft, who is unintentionally directly involved in the aircraft accident. Victims may include the crew, paying passengers, non-paying passengers and third parties. A survivor is a person who is not fatally injured as a result of the accident (ICAO Circular285-AN/166).

### Application to Australian airlines operating overseas

The Code establishes the minimum standard expected of airlines operating in Australian territory. The Family Assistance Plans of Australian international airlines should provide, as far as is possible, similar assistance to victims and/or families of victims in the event of an accident in a foreign country.

As would be the case for foreign airlines operating in Australia, it is expected that Australian international airlines would enter into appropriate arrangements with partner airlines, or other bodies, to provide assistance measures in the country where the accident occurs. It is also expected that the airline would establish a major coordination centre in Australia to facilitate contact with Australian authorities and/or families.

### Application to Australian regional airlines

The Code has been prepared by drawing on international experience, focussing on international or high capacity airline operations. Australian regional airlines or charter operators have no less a responsibility towards the victims of an accident, and should be prepared to use the Code in order to establish a Family Assistance Plan appropriate to its individual circumstances.

## Applying the Code

The operating carrier is responsible for all passengers on board, including those of any code share partners. Nevertheless, airlines operating on a code share basis only (ie, solely as a non-operating carrier in the Australian market) are also be expected to adopt a Family Assistance Plan in line with this Code. In such a case, the Plan would need to focus on the assistance that would be provided by the operating carrier.

To meet the minimum code requirements, some airlines may choose to rely on commercial or other agreements with partner airlines, or with service providers.

It may also be prudent for airlines to establish arrangements with airport operators for the use of physical infrastructure at an airport in the provision of aspects of family assistance.

The Code emphasises that the airline retains the prime responsibility to ensure that the family assistance services can be delivered in a timely and appropriate fashion. The method of service delivery is, however, for the airline to determine.

### **Coordination with other Agencies**

The Department can assist airlines in making contact with relevant agencies and with the provision of basic information about the provisions of the Family Assistance Code. Enquiries should be directed to the Assistant Director, Trade and Aviation Market Policy.

In the event of a major civil airline accident involving fatalities, State and Territory agencies will be responsible for dealing with the crash site in terms of emergency response, coronial requirements and site remediation. The primary authority for the investigation of the accident will be the Australian Transport Safety Bureau (ATSB) for a civilian aircraft accident and the Australian Federal Police for a civilian aircraft crash involving terrorism or other unlawful interference.

In the event of a major civil aircraft accident, the airlines Family Support Co-ordinator will liaise with the ATSB, normally through the Deputy Investigator In Charge, to arrange briefings and site visits where the nature of the accident permits. The airline should make contact with this officer, as soon as possible after an accident by telephoning 1800 020616.

### **Airlines Responsibilities**

#### *1. Appointment of a designated person in Australia as a Family Support Coordinator.*

The Airline Family Support Coordinator is an essential part of the immediate response to the accident. The Family Support Coordinator provides the communication link between the airline, relevant emergency and welfare services, victims and their families, as well providing services direct to victims and families. Arrangements need to be made to ensure that the Family Support Coordinator has sufficient support from the airline.

Arrangements shall be made to quickly establish an effective Airline Family Support Centre, including ensuring access to suitably trained staff.

#### *2. Infrastructure requirements*

A plan to establish links with the relevant emergency response and service organisation/s responsible for the crash site and victim support immediately when an accident occurs. Linking the airline plan to Airport Emergency Plans (AEP) is one

means of achieving this. As all relevant response agencies participate in the AEP process, airlines, response agencies and welfare authorities are all encouraged to build strong relations with one another to ensure currency of information on key personnel.

It is normal practice for airlines to establish an Airline Crisis Management Centre in the event of a major accident. The purpose of the Centre is to provide co-ordination within the airline, and between the airline and relevant authorities, as well as provide information to the public. Its physical location should be a matter for the airline, but a foreign airline needs to ensure that it is readily able to communicate with Australian response agencies.

Separate from the Crisis Management Centre, the airline should establish an Airline Family Support Centre to provide the coordination services necessary for the family support function, and to ensure that suitably qualified or trained personnel, skilled in sensitively and empathically dealing with the needs of victims, and their families, are available to staff the centre. The airline should ensure that the Family Support Coordinator has strong support from, and links to, the Airline Crisis Management Centre.

The nature and location of the Centre, or any other facilities intended to provide services to victims or families, is a matter for the airline. The airline should give consideration to providing appropriate assistance to families who may gather at the departure and/or arrival airport. However, the airline may consider that the best option is to promptly obtain space, including rooms for families, in a near-by hotel.

Overall, the airline must understand that a substantial commitment is required of itself, or the service provider, to have available suitably trained and experienced staff at short notice, as well as procedures in place to quickly establish a Family Support Centre.

### *3. Information Management*

The availability and management of information is vital for an effective response to an accident, including the provision of information to families. It will be important to get the balance of information right, therefore close coordination within the airline, and with accident investigation authorities and State and Territory response agencies regarding any statements in relation to the accident, will be essential.

With regard to information on the passengers involved, including names of any deceased, it is important that the airline work closely with the State or Territory Police in charge of the accident site as, in Australia, the Police in association with Coroners are responsible for notifying next of kin in the event of death. In a mass fatality incident, the Police DVI units across Australia have protocols with Interpol for advising the relevant authorities within that persons country.

In the event of an aircraft accident, airlines should:

- provide a passenger manifest, with all available information (including seating), to the Police without delay, and assist, as appropriate, in the

collection (subject to applicable privacy laws) of additional information. A copy of this information should be provided to the ATSB. It would be preferable if the manifest is not released directly to the public or the media by the airline. Rather, the airline should consult with the Police on the appropriateness of releasing information in the period immediately following the accident;

- in consultation with police, provide accurate and appropriate information to the families of victims, the media, other interested parties and the general public, whilst recognising and appreciating the interests of survivors and the families of victims;

The families of victims of an aircraft accident expect to be kept fully informed about what happened, and why it happened, in order to make sense of their loss. Every effort should be made to ensure that victims and families are informed of key information about the accident, or its probable causes, before the information is released to the public. The Airline Family Support Coordinator needs to establish close links with the ATSB for this purpose.

- briefing with respect to the conduct and progress of the accident investigation will be carried out by the ATSBs Investigator in Charge and where possible notified to families prior to being made public.

Airlines should provide a 24-hour a day contact arrangement for the families of victims, in addition to a system to deal with the information demands of the public. The arrangements to be put in place, including the duration, will be a matter for each airline. However, overseas experience has shown that the number of telephone enquiries following a major aircraft accident can be substantial.

A broadly publicised free telephone number may not be optimal as the main point of public contact. It could be very easy for an airline to be overwhelmed by the number of calls, and may encourage nuisance calls. A filtering or screening process, to identify callers with a genuine interest in, or relationship to, victims, could be implemented. Nevertheless, the airline should move quickly to provide an effective mechanism to deal with large numbers of inquiries - not only to the airline itself, but also to its offices at the destination, and/or arrival airport. This mechanism should also be able to deal effectively with the likely range of languages spoken by the families of victims.

The establishment and publicising of an Internet site, through which the public can make enquiries and view the most recent information, could lessen the number of public telephone inquiries, and is recommended.

- Airlines should establish procedures to recognise and deal with an appropriate family member to represent the interests of the family of any victims.

The identification of the appropriate person to represent the interests of the family may not always be straightforward, and the airline should have procedures in place

that recognise the importance of handling this task with appropriate sensitivity. These procedures need to pay appropriate heed to cultural differences.

Once a genuine caller is identified, consideration should be given to utilising a separate, non-publicised, free telephone number to facilitate contact with the airline.

Often there will be international passengers involved and different countries will have different requirements for providing advice to next of kin. DFAT can assist with notification to Australian citizens who reside, or are travelling, outside Australia. This should be taken into account in developing the Plan.

For those Australian airlines operating overseas, special care needs to be taken regarding procedures for notifying next of kin of foreign nationals as practices and cultural expectations vary widely.

- Airlines should be prepared to assist responsible authorities in data collection.

Following an aircraft accident, the most immediate form of family assistance is the confirmation of family members amongst the victims who were on-board the aircraft.

Most airlines flying into Australia now collect or process, through their booking and flight check-in systems, a range of data on passengers, including passport details for each flight. This is often undertaken as part of Australia's visa requirements. In developing their procedures for releasing any data held to responsible authorities, airlines need to pay close attention to relevant privacy laws. In Australia, close co-operation with police and response agencies is essential in regard to this issue.

In relation to trans-Tasman flights, the Department of Immigration and Citizenship (DIAC) has access to the Australian and New Zealand passport databases, and may be able to assist authorities in identification of Australian and New Zealand citizens.

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## **Disaster Victim Identification**

Responsibility in Australia for victim identification and notification of deaths to the next of kin rests solely with the Police assisting Coroners. As such, in releasing identifying data, the airline would need to work closely with local police authorities, and specifically the Police Disaster Victim Identification (DVI) experts, in order for the police and DVI to properly identify victims. In the case of foreign nationals, advice should be sought from DFAT and/or the appropriate diplomatic missions on how notification of relatives should be made. Airlines should also be aware that diplomatic and consular staff will have liaison and coordination roles in relation to their citizens and early contact with relevant diplomatic missions should form part of each airline's Plan.

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In the case of an accident outside Australia, early provision of a passenger manifest to DFAT is essential, as that Department is responsible for providing consular assistance to Australian victims and their families. An Australian consular representative would be available at the Airline's Family Support Centre, and at the

crash site, to assist Australian victims, and family members, who may travel to the site when it is safe to do so.

#### *4. Financial, Logistical and Emotional Support*

Airlines need to accept a range of responsibilities to provide direct support to victims, and the families of victims. It needs to be borne in mind that Australian law provides that the carrier is strictly liable for death or injury of the passenger.

- In the event of the death of a passenger, airlines should offer an advance payment to the family as soon as practicable after the event.

The financial strain faced by victims and their families in the aftermath of an aircraft accident could be minimised through the provision of an up-front payment, by the airline, to those entitled to compensation as a result of the accident. This form of payment is becoming standard practice in the industry and is made as a gesture by the airline to the family of the victim in cases of financial hardship caused by the loss of the principal earner.

It is recognised that the airline may have difficulties in identifying the appropriate family members, but clearly defined cases (eg, where the victim is the principal earner) should present few such difficulties, and also demonstrate the necessity of these payments.

The amount of the advance payment would depend on the circumstances, but airlines are encouraged to give sympathetic consideration to the needs of the families of victims. As an example, the European Community has mandated a minimum advance payment, in the event of death, of approximately A\$30,000.

This payment would be an advance from the eventual passenger liability damages claim on the airline, and it should not be presented to family members as final settlement of liability.

- Airlines should provide financial and administrative support to families wishing to travel to the crash site (where appropriate and practicable).

Where access is practical, a visit to the accident site by the families, and the survivors, has become a common practice as part of the grieving process. Active encouragement of families to attend the crash site is not recommended. However, where families have a desire to visit the crash site, airlines should provide financial and administrative support, including assistance with travel and accommodation.

It is acknowledged that, in some locations, travel and/or accommodation could pose problems, and that airlines will require discretion in determining which, if any, family members should attend the crash site. However, airlines should remain mindful of the cultural/religious needs of the family, and possibly seek the advice of suitably qualified professionals before making limiting decisions. In all cases, authorities responsible for managing the crash site need to be consulted. In Australia, the ATSB will appoint an appropriate person to consult directly with the airline before it makes any commitment with respect to a site visit by families.

While the ATSB recognises the need for families to be able to view the accident site, access may be restricted for a number of reasons, including the hazardous nature of the site. Nevertheless, the ATSB will make every effort to assist families with some form of site access.

- A range of counselling services should be made available to survivors, their families and the families of deceased persons.

Counselling for the families and the survivors is likely to be a major task for the airline, and could be very important to those in need. The support can vary, from providing common-sense advice on dealing with the practical aspects of life after the accident, to more significant health care. Airlines may not have sufficient counselling resources, and may need to have in place arrangements to obtain the services of suitably qualified professionals. The Family Support Plan should detail how the airline would propose to meet these needs, and should highlight also the importance of close liaison with support services provided by voluntary organisations such as the Red Cross as well as government agencies.

- Ongoing support to survivors, and the families of victims, must be anticipated.

An accident may result in significant long-term effects of an accident on survivors, and their families, and on the families of victims. Individual cases, including identification and return of remains, legal issues and family contact may all become long-running matters. The provision of sufficient resources and effective tracking of issues and cases need to be maintained. This ongoing support, for a period of years, if necessary, needs to be considered. No end point to this support for survivors or families can be mandated, but airlines could look to the final liability settlement as a guide.

The provision of support might mean the provision of a telephone number where families can obtain support and advice as the need arises. At a minimum, it means a long-term commitment by the airline to continue to facilitate support from qualified counselling staff.

In addition, the investigation of the accident may take more than a year to complete, and the regular provision of progress reports by the ATSB will assist families through their grieving processes. The ATSB will provide a Preliminary Factual Report within 30 days and normally Interim Factual Reports at 6-monthly intervals thereafter, until the final report is drafted.

- Airlines are responsible for the return of remains to the families of victims, or delegated persons.

Airlines need to be prepared to work closely with the response agencies, and the authorities responsible for the crash site, to ensure that the families of victims are kept informed about release of remains.

On gaining clearance from the Police and the Coroner, airlines are responsible for the return of a victim's remains, personal effects, and all other baggage.

Baggage and/or freight may need to be retained by the police or the ATSB for investigative purposes. The Police, in consultation with the Coroner, will control the release of personal effects, and any release to victims, or the families of victims, will require their approval. The airline should arrange for the early return of checked-in baggage if no longer required by investigators.

- Airlines need to be prepared to involve families in the process of commemoration and memorials.

Families need to be assured that they will be able to participate in any memorial services held after the accident, and that they will have the opportunity to be involved in the design of any memorial structures erected in memory of the accident victims. Airlines should give consideration to how they handle these issues, and put in place a protocol on how this will be handled at the time of an accident.

- Airlines need to pay heed to cultural issues.

A Family Assistance Plan needs to be particularly sensitive to cultural issues associated with the loss of loved ones. Airlines are encouraged to take special steps to understand the cultural issues applying to the main markets in which they operate.