



Information Article

Australia - Family Assistance Code

Relevance:

Family Assistance Type 'Quasi' Legislation (**Code of Practice**) - and its Impact on Airlines etc.

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Australia

Family Assistance Code



Code for the Preparation of Family Assistance Plans - current as at 09 July 2014

<https://www.infrastructure.gov.au/infrastructure-transport-vehicles/aviation/aviation-legislation-regulation-policy/family-assistance-code>





AUSTRALIA - Code for the preparation of Family Assistance Plans (effective - 09 July 2014)

This 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. It has been produced in consultation with the civil aviation industry and other, appropriate response agencies

Adoption of the Code is voluntary. 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 itself, but also extends to the distress and pain suffered by their families. International experience confirms the need for distinct and sensitive treatment of said victims plus said families

The latter subject 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**

*** Note** - this circular was superseded in late 2013 - by ICAO's '**Policy on Assistance to Aircraft Accident Victims and their Families**' - (First Edition 2013) - Doc **9998** AN/ 499

The supporting (and separate) document for the above 'policy' is the '**Manual on Assistance to Aircraft Accident Victims & their Families**' - (First Edition 2013) - Doc **9973** AN/486

As at February 2023 the appropriate Australian government department responsible for **this** document's (i.e. the one you are reading now) upkeep had failed to reflect the above (and other related) changes

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 & regularly practise Airport Emergency Plans (AEPs) in conjunction with relevant emergency response authorities and air carriers etc.
- The Commonwealth, through the Department of Infrastructure & 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 fatalities are involved, the State or Territory Coroner will have a major role to play. In most cases, State or Territory Police will be in initial control of the site

However, whilst 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

This Code provides guidance for the development of a family assistance plan by all regular public transport (RPT) and charter operators (air carriers) 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 it 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 such aircraft, who is unintentionally and directly involved in an accident involving same. 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 such an accident (ICAO Circular285-AN/166)

Note again that this circular was superseded in late 2013 - see associated text on the previous page

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 such 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 pre-arrangements / arrangements with partner airlines and / or other, appropriate bodies / agencies etc. - to provide assistance measures in the country (other than Australia) where an accident occurs / might occur

It is also expected that such airlines establish a major co-ordination centre in Australia itself - so as to facilitate contact / liaison / co-ordination etc. with Australian authorities; families etc.

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 their families, and should use the Code so as to establish a Family Assistance Plan appropriate to their individual circumstances

Applying the Code

The operating air carrier is responsible for all passengers on board, including those of any code share, alliance etc. partners. Nevertheless, air carriers operating on a code share, alliance etc. basis only (i.e. solely as a **non-operating carrier** in the Australian market) are also 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 initially provided by said operating air carrier





To meet the minimum Code requirements, some air carriers may choose to rely on commercial and / or other agreements with partner airlines, specialist service providers etc. It will also be prudent to establish arrangements with airport operators for the use of the physical infrastructure and manpower at said airports, which might be used in some aspects of family assistance provision

The Code emphasises that the air carrier retains the prime responsibility for ensuring that family assistance services can be delivered in a timely and appropriate fashion. The method of service delivery is, however, for the carrier 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 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 air carrier accident, the carrier's 'Family Support Co-ordinator' will liaise with the ATSB, typically through the Deputy Investigator in-charge, to arrange briefings and site visits where the nature of the accident so permits. The air carrier should make contact with this officer, as soon as possible by telephoning (TBA)

Air Carriers' Responsibilities

1. Appointment of a Designated Person in Australia - to act as a Family Support Coordinator

The Airline (Air Carrier) Family Support Coordinator is an essential part of the immediate response to an aircraft accident. He / she provides the communication link between the air carrier(s) involved, relevant emergency and welfare services, victims and their families etc. - whilst also providing appropriate 'services' direct to victims and their families. Arrangements need to be put in place so as to ensure that the appointed person has sufficient support from the involved air carrier(s).

Arrangements shall also be made to quickly establish an effective Airline (Air Carrier) Family Support Centre, including ensuring access to same for suitably trained and accredited staff

2. Infrastructure Requirement

Air Carriers shall have a plan for establishing links with the relevant emergency response and service organisation(s) responsible for the crash site - together with those responsible for victim support - immediately following an accident occurrence. Linking the airline plan to Airport Emergency Plans (AEP) is one means of achieving this for on or near airport accidents

As most relevant response agencies typically participate in the AEP process, all involved (on and off-airport as appropriate) are encouraged to build strong relationships; devise mutual SOPs; develop and participate in joint training etc.





It is normal practice for air carriers to establish a 'Crisis Management Centre' (CMC) in the event of an associated, major accident. The CMC provides co-ordination within the airline and between the airline and relevant, external authorities / agencies etc. as well as providing information to 'the public'. The physical location of the CMC is a matter for the airline, but a foreign air carrier needs to ensure that its CMC is readily able to communicate with Australian response agencies

Separate from the CMC, the air carrier should establish an 'Air Carrier Family Support Centre' to provide the coordination services necessary for the family support function - and to ensure that suitably qualified and / or trained personnel, skilled in sensitively and empathically dealing with the needs of victims and their families, are available to staff the centre. The Family Support Coordinator should have strong support from, and links to, the 'CMC'

The nature and location of the Family Support Centre, or any other facilities intended to provide services to victims or families, is a matter for the air carrier. Further to the latter, the air carrier should give consideration to providing appropriate assistance to families who may gather at the departure and / or arrival airport(s) (of the accident flight)

Typical locations for such a Family Support Centre usually involve engaging a local hotel(s) (if available) for the purpose

Overall, the air carrier must understand that **a substantial commitment is required** of itself, and / or the associated 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 (victims') families. It will be important to get the balance of information right, therefore close coordination within the air carrier(s) involved 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 etc. (victims) involved, including names of any deceased, it is important that the air carrier works 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 Australian Police have protocols with [Interpol](#) for advising the relevant authorities within the countries of foreign (non-Australian) deceased accident victims

In the event of an aircraft accident - air carriers should:

- Provide a passenger manifest (list), with all available information (including seating allocations), 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 also be provided to the ATSB

It would be preferable if the passenger 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, appropriate and timely information to the families of victims, to the media, to 'other interested parties' and to the general public - whilst recognising and appreciating the interests of surviving victims and the families of all victims

Note - 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

Note - Briefings 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

- Provide a 24H contact arrangement for the families of victims + a system to deal with the information demands from the public 'in general'. The arrangements to be put in place, including duration, will be a matter for the air carrier. However, overseas experience has shown that the number of telephone enquiries following a major aircraft accident can be substantial (e.g. 100, 000 + telephone calls per 24 hours is possible in certain circumstances)

A broadly publicised free telephone number may not be optimal as the main point of public contact. It could be very easy for an air carrier 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 (and / or relationship to) victims could be implemented. Nevertheless, the air carrier should move quickly to provide an effective mechanism to deal with large numbers of inquiries - not only to itself (i.e. airline HQ location), but also to its offices at the destination, and / or arrival airport(s). This mechanism should also be able to deal effectively with the likely range of languages spoken by the families of victims

- Establishing and publicising an Internet site (sometimes known as a 'dark' 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
- Establish procedures to recognise and deal with any appropriate family member(s) or other person(s) - who an accident victim's family might choose to represent their interests

The identification of such a person(s) may not always be straightforward and the air carrier should thus have procedures in place that recognise the importance of handling this task with appropriate diligence and sensitivity. Such procedures also need to pay appropriate heed to cultural differences and similar

- Once a genuine caller is identified, consideration should be given to utilising a separate, non-publicised, free telephone number to facilitate further 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 Australian air carriers 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

- Prepare to assist responsible authorities in data collection

Note - Following an aircraft accident, the most immediate form of family assistance which can be provided is the confirmation of associated family etc. members being amongst the victims on-board the accident aircraft

Most air carriers flying into Australia collect and / or process, e.g. through their booking and flight check-in systems, a wide range of data on passengers, including passport details. This is often undertaken as part of Australia's visa and security requirements

In developing their procedures for releasing any data held to responsible authorities, air carriers 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. Most (but not all) other countries have similar (privacy type) requirements

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

Note - Disaster Victim Identification (DVI)

Responsibility **within** Australia for disaster victim identification ops and notification of **deaths** to the next of kin etc. rests solely with the Police (e.g. initially; when assisting Coroners etc.). As such, in releasing identifying data, the air carrier would need to work closely with local police authorities and, specifically, the Police Disaster Victim Identification (DVI) experts, in order to adequately (as quickly as is possible) identify victims

In the case of foreign nationals, advice should be sought from DFAT and / or the appropriate diplomatic missions on how notification to associated 'relatives / family etc.' should be made. Air carriers 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 air carrier's 'Plan'

In the case of an accident outside Australia, early provision of a passenger manifest to DFAT is essential, as the latter is responsible for providing consular assistance to Australian victims and their families. An Australian consular representative should be available at the Airline's Family Support Centre, and / or at the crash site, to assist Australian victims (and family members, who may travel to such locations when it is safe and permissible to do so)





4. Financial, Logistical and Emotional Support

Air carriers 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, Air Carriers should offer an advance payment to 'those associated persons so entitled' - as soon as is practicable after the 'event'

The financial strain faced by surviving victims and their families in the aftermath of an aircraft accident could be minimised through the provision of an up-front (advanced) payment, by the air carrier, to those potentially entitled to compensation as a result of the accident. This form of payment is becoming standard practice in the airline industry and is made as a gesture by the air carrier involved, typically to the 'family' of the victim, in cases of financial hardship caused by the loss of the principal earner. (In actual practice, such payment is [as at late 2020] made anyway, regardless of 'financial circumstances')

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

The amount of the advance payment would depend on the circumstances, but air carriers are encouraged to give sympathetic consideration to the needs of potential recipients. As an example, the European Union has mandated a minimum payment, in the event of death, of approximately Australian \$30,000. All such payments would be in the form of an advance, to be set-off against any (eventual) passenger liability damages claim on the airline i.e. it should not be presented to family members etc. as final settlement of liability

Air Carriers should provide financial, administrative and logistical support to families etc. wishing to travel to the accident site (where so appropriate and practicable):

Where access is practical, safe etc. a visit to the accident site by e.g. accident survivors and families has become a common practice (particularly as part of the grieving process). Whilst active encouragement of families etc. to attend the crash site is not recommended - where families **do** have a strong desire to visit, air carriers should provide financial and administrative support, including assistance with travel and accommodation

It is acknowledged that, in some locations, travel and / or accommodation and / or security etc. might pose significant problems, and air carriers will require considerable discretion in determining which, if any, family members etc. might be invited to attend the crash site

Airlines should remain mindful of the cultural / religious needs of families and, where possible / practicable, seek the advice of suitably qualified professionals / equivalent laypersons before making decisions where such advice might be considered as at least being useful, if not essential

In all cases, the 'authority' responsible for managing the accident site needs to be pre-consulted. In Australia, the ATSB will appoint an appropriate person to consult directly with the airline before it makes any commitment with respect to such accident site visits. Visits cannot take place without ATSB permission





Whilst the ATSB recognises the need for families to be able to visit the accident site, access may be restricted for a number of reasons, including the hazardous nature of the site. Nevertheless, (and where possible) the ATSB will make every effort to assist families in this regard

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

The provision of counselling for families and survivors is likely to be a major task for the air carrier and will be very important to those in need of same. The support can vary, from providing common-sense advice on dealing with the practical aspects of life after the accident, to more significant health (especially mental health) care

Most air carriers will not have sufficient counselling resources themselves and will thus need to have in place arrangements to obtain the services of suitably qualified professionals. The Family Support Plan should detail how the air carrier proposes to meet these needs and highlight the importance of close liaison with support services provided by government agencies, voluntary organisations (such as the Red Cross) etc.

Ongoing support to survivors and the families of all victims must be anticipated:

An accident may result in significant long-term effects on survivors and their families - and on the families of deceased 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 needs 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 and / or families can be mandated, but air carriers could look to the final liability (legal) settlement as a guide

Support here might mean e.g. the provision of a telephone number where families can obtain help and advice as the need arises. At a minimum, it means a relatively long-term commitment by the air carrier to continue to facilitate support from qualified counselling staff

Furthermore, the air accident investigation can take up to several years to complete - and the regular provision of progress reports by the ATSB will assist families through the grieving process.

(The ATSB will provide a Preliminary Factual Report within 30 days and Interim Factual Reports at 6-monthly intervals thereafter, until the final report is drafted)

Air Carriers are responsible for the return of mortal remains to the families of deceased victims - and / or to appropriately delegated persons:

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

On gaining clearance from the Police and the Coroner, air carriers are responsible for the return of victims' remains, personal effects, baggage etc. (Baggage and / or freight may need to be retained by the police and / or the ATSB for investigative purposes)





The Police, in consultation with the Coroner, will control the release of personal effects. Any release to victims or the families of victims, will require Police approval. The airline should arrange for the early return of checked-in baggage if no longer required by investigators

Air Carriers need 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 accident victims. Airlines should give consideration as to how they handle these issues, and put in place associated protocols

Air Carriers need to pay heed to cultural issues:

A Family Assistance Plan needs to be particularly sensitive to cultural etc. issues associated with the loss of loved ones. Airlines are encouraged to take associated action to better understand and account for the cultural etc. issues applying to the main markets in which they operate

ICAO - Family Assistance Website

Around late 2018 ICAO introduced a webpage (see first link just below) dedicated to 'Assistance to Aircraft Accident Victims and their Families'. The information found via this webpage is useful (particularly some of the 'family assistance' presentations) and well worth reading by all those having an interest here. (One such presentation comes from Australia)

<https://www.icao.int/Security/FAL/ANNEX9/Pages/AssistancetoAircraftAccidentVictimsFamilies.aspx>

Useful Links:

ICAO's '[Policy](#) on Assistance to Aircraft Accident Victims and their Families' - (First Edition 2013) - Doc **9998** AN/ 499

ICAO's '[Manual](#) on Assistance to Aircraft Accident Victims & their Families' - (First Edition 2013) - Doc **9973** AN/486

Additional (Related) Info:

AUSAVPLAN 2014 / Australian Government / Aviation Disaster Response Plan

<https://www.homeaffairs.gov.au/emergency/files/plan-aviation-disaster-response.pdf>

