

The following is a plain legal language summary of the relevant sections of the *Transport Safety Investigation Act 2003*. Please see the ATSB website www.atsb.gov.au for the complete text of the TSI Act.

Section 32—Require attendance to answer questions or produce evidence

For the purposes of an investigation, the ATSB can require a person to produce evidence or to attend and answer questions.

The Chief Commissioner must first give the person written notice, allowing a reasonable time to comply. Expenses may be paid for the cost of complying with a requirement to attend and answer questions (the amount is set by regulation).

Failure to comply is an offence. The penalty is a fine.

Section 47—Self-incrimination no excuse

You cannot refuse to answer a question or produce evidence in accordance with a requirement under the Act on the ground that it might incriminate you.

However, if you are an individual, information that results from the answer or evidence cannot be used against you in civil or criminal proceedings.



Australian Government
Australian Transport Safety Bureau

Transport Safety Investigation Act 2003 – Section 32

Request for Interview and/or Relevant Material

Form: F32-1

ATSB Investigation No. AO-2020-033

ATSB Ref No. [Redacted]

The Australian Transport Safety Bureau is conducting an investigation into the following transport safety matter.

Investigation title and/or other description

INFLIGHT BROWSE INVOLVING ROBINSON R44
VH-NBY NEAR BROOMS AIRPORT 4 JUN 2020

To Name
s.47F(1), s.38(1)(b)(i)

Organisation
s.38(1)(b)(i)

The ATSB conducts investigations solely for the purpose of enhancing transport safety. The object of an investigation is to determine the circumstances of the occurrence and to prevent similar events occurring in the future. It is not the object of an investigation to determine blame or liability.

In this context, you are required to attend an interview and/or produce relevant material under section 32 of the *Transport Safety Investigation Act 2003*. The reason that this request is made under section 32 of the TSI Act is to ensure that the information or material that you provide is protected as restricted information under the Act.

Attend an interview *(delete if not applicable)*

Location, date and time of interview

[Redacted]

Produce relevant material *(delete if not applicable)*

Description of material, date required and any special instructions

s.47F(1), s.38(1)(b)(i)

[Redacted]

Section 47 of the TSI Act provides that self-incrimination is not an excuse for not complying with this request. Information relating to section 32 and section 47 of the TSI Act is provided overleaf.

Thank you for your cooperation.

Signature of Chief Commissioner/Delegate
s.47F(1), s.38(1)(b)(i)

Name of Chief Commissioner/Delegate
s.47F(1), s.38(1)(b)(i)

Date
17 NOV 2020

Phone
s.47F(1), s.38(1)(b)(i)

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Australian Government
Australian Transport Safety Bureau

**Authorisation to access
restricted information**

Form: F62-1

ATSB Investigation No.

The Australian Transport Safety Bureau is conducting an investigation into the following transport safety matter.

Authorisation under Transport Safety Investigation Act 2003 – Section 62

Section 62 of the Act allows the ATSB to authorise a non-staff member to have access to information that is classified as 'restricted information' while requiring the non-staff member to adhere to confidentiality requirements of the Act.

Description of restricted information which access is being given to:

The person or persons listed below have been authorised to access the identified restricted information. Through being authorised access to the information under section 62, the identified person or persons within the Organisation are subject to the confidentiality requirements of subsection 60(3) of the *Transport Safety Investigation Act 2003* (information relating to section 60 of the TSI Act is provided overleaf). The signed persons acknowledge and accept these obligations.

Name of authorised person	Signature of authorised person	Date	Phone
<input type="text" value="s.47F(1), s.38(1)(b)(i)"/>			

Please return a signed copy of this form to the person at the ATSB listed below

PO Box 967

Civic Square ACT 2608 Australia

Signature of ATSB/Delegate

Name of ATSB/Delegate:

Date

Delegate Phone:

Delegate Fax:

Delegate Email:

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Confidentiality - Subsection 60(3)

Where access to restricted information is received under section 62 of the Act it is an offence for the recipient to make a record of or disclose 'restricted information'. The penalty is imprisonment.

Exceptions are mainly for the purpose of carrying out functions under the Act.

[*Note*: 'restricted information' is information collected in the course of an investigation under the Act. It may include statements, medical information, personal information, vehicle movements, and other evidence.]