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AIR NAVIGATION ACT
(CHAPTER 6)

AIR NAVIGATION
(VOLUNTARY REPORTING) RULES 2020

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In exercise of the powers conferred by section 12A of the Air Navigation Act, the Minister for Transport makes the following Rules:

PART 1
PRELIMINARY

Citation and commencement

1. These Rules are the Air Navigation (Voluntary Reporting) Rules 2020 and come into operation on 27 July 2020.

Definitions

2. In these Rules, unless the context otherwise requires —

“appropriate form”, in relation to any purpose for which a specific form is required to be used for the purposes of these Rules, means the relevant form that —

(a) is provided by the designated person; and

(b) is set out on the website at <https://www.tellsarah-vrs.com/>;

“designated person” has the meaning given by rule 4;

“personal information” means information, or an opinion, about an identified person, or a person who is reasonably identifiable, whether the information or opinion is true or not;

“protected information” has the meaning given by section 12 of the Act;

“report” means a report made under these Rules of an aviation safety matter;

“reporter”, in relation to a report, means the person making the report;

“Tell Sarah database” means a database established and maintained by a designated person under these Rules for recording information contained in reports;

“Tell Sarah scheme” means the scheme for the voluntary and confidential reporting of aviation safety matters established under these Rules for the purposes of section 12A of the Act.

Establishment of voluntary report scheme

3.—(1) For the purpose of section 12A of the Act, the “Tell Sarah scheme” is established for the voluntary and confidential reporting of any aviation safety matter.

(2) The purposes of the Tell Sarah scheme are —

- (a) to provide a voluntary and confidential reporting scheme of aviation safety matters;
- (b) to identify deficiencies and problems arising out of such reports; and
- (c) to give information to only the Authority about an identified aviation safety matter to facilitate —
 - (i) action and awareness about aviation safety; and
 - (ii) improvements in aviation safety.

PART 2

DESIGNATED PERSON

Designated person

4. For the purposes of these Rules, the designated person is KPMG Services Pte. Ltd.

Functions of designated person

5.—(1) A designated person's functions in relation to the Tell Sarah scheme include the following:

- (a) providing the means by which reports of aviation safety matters may be made expeditiously to the designated person;
- (b) assessing and accepting reports of aviation safety matters;
- (c) dealing with reports in accordance with these Rules, including forwarding or destroying reports;
- (d) reviewing information contained in reports, and identifying issues and factors mentioned in, or arising from, reports that relate to aviation safety matters;
- (e) setting up and maintaining one or more databases for recording information contained in reports (each called a Tell Sarah database);
- (f) communicating issues and factors mentioned in sub-paragraph (d) to the Authority;
- (g) protecting the following in the designated person's possession or under the designated person's control:
 - (i) reports made under these Rules;
 - (ii) any protected information relating to those reports;
 - (iii) any Tell Sarah database,

by making reasonable security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks to those reports and protected information.

(2) In addition, a designated person may, in the discharge of the designated person's functions under these Rules, contact a reporter of a report to request the reporter to answer any question or furnish any further information about the report, and the aviation safety matter or purported aviation safety matter described in the report.

(3) A designated person who intentionally or negligently contravenes rule 10, 11 or 12 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

PART 3 REPORTING

Aviation safety matter

6.—(1) Any person may make a report under these Rules to a designated person about any aviation safety matter.

(2) Without limiting section 12 of the Act, an aviation safety matter includes any of the following that is not an excluded matter:

- (a) aircraft flight during the departure, en route, approach or landing phase;
- (b) aircraft cabin operations;
- (c) any occurrence in which 2 or more aircraft come into such close proximity that a threat to the safety of the aircraft exists or may exist, in airspace;
- (d) aircraft weight and balance;
- (e) aircraft flight performance;
- (f) aircraft ground operations;
- (g) aircraft movement at an airport;
- (h) aircraft fuelling operations;
- (i) airport conditions or services;
- (j) cargo handling;
- (k) air traffic management;
- (l) air traffic control operations;
- (m) air traffic control equipment and navigation aids;
- (n) communications between a flight crew and air traffic control;
- (o) aircraft maintenance;

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- (p) record keeping in connection with aircraft operations or maintenance or air navigation services;
 - (q) passenger handling operations;
 - (r) aeronautical meteorology;
 - (s) aeronautical information services;
 - (t) design, production or repair of aircraft or aircraft components.

Excluded information and not aviation safety matter

7. The following conduct, transaction, process, practice, occurrence, circumstance or matter is prescribed as excluded information for the purposes of paragraph (e) of the definition of “excluded information” in section 12 of the Act:

- (a) any conduct, transaction, process, practice, occurrence, circumstance or matter that may constitute an offence under any written law (whether committed before, on or after 27 July 2020) unless an offence under section 29C of the Act is committed in the making of a report to the designated person;
- (b) industrial relations issues;
- (c) any conduct, transaction, process, practice, occurrence, circumstance or matter that has no relation to aviation safety;
- (d) a dispute (legal or otherwise) between the reporter and any other person or between other persons.

Reporting

8.—(1) A report about an aviation safety matter that is permitted by these Rules to be made to a designated person may be made —

- (a) orally in the English language, which must be by telephone using a telephone number specified by the designated person for the reporting of aviation safety matters; or

(b) in writing, which must be —

- (i) in the appropriate form;
- (ii) completed in the English language and in accordance with such directions as may be specified in the appropriate form; and
- (iii) given to the designated person in a manner described in paragraph (3).

(2) However, where strict compliance with an appropriate form is not possible, the designated person may allow for the necessary modifications to be made to that form, or for the requirements of that form to be complied with in such other manner as the designated person thinks fit.

(3) A written report about an aviation safety matter that is permitted by these Rules to be made to a designated person may be given to the designated person as follows:

- (a) by sending by email to the electronic address specified by the designated person for the reporting of aviation safety matters;
- (b) by using the electronic system provided by the designated person for the reporting of aviation safety matters.

(4) Every report must include all the following information:

- (a) the name of the reporter making the report;
- (b) a description of the aviation safety matter;
- (c) at least one of the following:
 - (i) the reporter's postal address;
 - (ii) the reporter's email address;
 - (iii) the reporter's telephone number.

PART 4

ACCEPTING AND DEALING WITH REPORTS

Accepting report

9. A designated person must accept a report made in accordance with rule 8 if the designated person reasonably believes —

- (a) the matter described in the report is an aviation safety matter and is not excluded information; and
- (b) the report to be true.

Dealing with report

10.—(1) Upon receiving a report, the designated person —

- (a) must decide whether to accept or refuse the report;
- (b) if accepting the report, must —
 - (i) assign a unique identifier to the report;
 - (ii) give to the reporter a receipt that sets out the date of the acceptance of the report; and
 - (iii) within 30 days after accepting the report, destroy the report;
- (c) must not make or keep a copy of the report in any manner or form;
- (d) must decide what information in the report is to be included in a Tell Sarah database, and include that information in that database in accordance with paragraphs (2) and (3); and
- (e) must decide whether to disclose any information from an accepted report in accordance with the Act and these Rules, and act accordingly.

(2) For the purpose of paragraph (1)(d), a designated person must not include in a Tell Sarah database any personal information from an accepted report unless and only to the extent that —

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- (a) the removal of the personal information from the report would adversely affect the quality of the information to be included in that database; and
 - (b) the designated person believes that it is necessary to keep in contact with the reporter who made the report, or a person or organisation mentioned in the report, and the personal information is necessary for that purpose.

(3) However, the designated person must without delay remove from any Tell Sarah database personal information included in the database for the purpose mentioned in paragraph (1)(d) if the designated person is satisfied that it is no longer necessary to keep the personal information for that purpose.

(4) If the designated person does not accept a report, the designated person must, subject to rules 11 and 12, inform the reporter of the refusal and —

- (a) destroy the report unless sub-paragraph (b) applies; or
- (b) if the report contains any reportable safety matter that the person should have notified under section 4O(1) of the Act, forward the report to the Authority to whom the reportable safety matter should have been notified under that section.

Handling report with false or misleading information

11.—(1) If a designated person reasonably believes that, in making the report, the person who made it has committed an offence under section 29C of the Act, the designated person —

- (a) must not return the report, or any part of it, to the reporter or any other person; and
- (b) must not destroy the report, or any part of it,

until a period of 2 years starting the date the report was made has expired.

(2) If a prosecution for an offence under section 29C of the Act is started within the period mentioned in paragraph (1), the designated person must not destroy or return the report, or any part of it, that is

required to be kept for the purpose of the prosecution until it is no longer required for that purpose.

Handling information about offences

12.—(1) Where a designated person, in the course of receiving reports under these Rules, receives information that the designated person reasonably believes relates to any offence under any written law (whenever committed), the designated person —

- (a) must not return the report, or any part of it, to the reporter or any other person;
- (b) must not destroy the information, or any part of it; and
- (c) must without delay act according to paragraph (2).

(2) A designated person who received under these Rules information described in paragraph (1) must without delay tell the Authority that the designated person has received the information and, if requested by the Authority, give that same information to any police officer.

(3) A designated person may disclose personal information if necessary to comply with this rule.

PART 5

USE AND DISCLOSURE OF REPORTS

Competent authority

13. The Permanent Secretary to the Ministry of Transport assigned by the Minister for the purposes of these Rules is designated as the competent authority for the purpose of section 12C(4) of the Act in respect of the Tell Sarah scheme.

Disclosure of information in reports

14.—(1) A designated person must not intentionally or negligently disclose, or cause or allow to be disclosed, any report accepted under these Rules unless —

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- (a) the disclosure is for a purpose of the Tell Sarah scheme in rule 3(2), and either —
- (i) all personal information from the report to be disclosed has been removed; or
 - (ii) the information to be disclosed is in an anonymised form or as statistics which do not identify any person; or
- (b) section 12C(2) of the Act applies.

(2) A designated person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

(3) In paragraph (1), “report” includes —

- (a) information obtained or generated by a designated person in the course of considering such a report; and
- (b) records of the analysis of information contained in such a report (including opinions expressed by a person in that analysis).

Compliance by third party with disclosed information

15.—(1) A person to whom any protected information is disclosed pursuant to an authorisation by a competent authority under section 12C(4) of the Act must not intentionally or negligently use or further disclose the protected information in a manner in contravention of the terms of the authorisation of the competent authority.

(2) A person who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Saving

16. To avoid doubt, the making of a report under these Rules does not relieve the reporter from —

- (a) any obligation to notify the Authority of any reportable safety matter under section 4O of the Act; or

(b) any obligation to give notice of an accident or serious incident as required by any other written law.

Made on 15 July 2020.

LOH NGAI SENG
*Permanent Secretary,
Ministry of Transport,
Singapore.*

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