



GOVERNMENT OF MALTA

Government response to the Consultation on the
White Paper – Towards Safer Transport in Malta:
Proposal for the setting up of a Transport Safety
Investigation Commission

07 March 2023

*Ministry for Transport, Infrastructure and Capital Projects
Casa Leone, St Joseph High Road, Santa Venera*

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Published by the Ministry for Transport, Infrastructure and Capital Projects

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Executive Summary

Introduction and overview

1. Having taken note of the increased fatalities arising from traffic incidents, the Government announced a comprehensive action plan to improve road safety on a national level. A public consultation was held specifically on the implementation of a safety investigation philosophy in the three transport domains (land, air, and sea) with a focus on road safety. The consultation proposed the setting up of a Transport Safety Investigation Commission, responsible for safety investigations across all three domains.

The comprehensive action plan seeks to address transport safety from the proactive and reactive aspects. To achieve this, it aims to enhance the proactive component through the existing national entities, but also targets the reactive component, by formally adopting an overarching national safety investigation philosophy across the domains of civil aviation, maritime and road transport. The primary objective is to extend the application of safety science in the investigation of all transport accidents in the Maltese islands, irrespective of the domain.

2. The public consultation was launched on 21 December 2022.

On 21 December 2022, the Government published a consultation paper, proposing the setting up of a Transport Safety Investigation Commission. The objective was to give the public the opportunity to submit comments on the Government's proposals laid out in the White Paper. The proposals sought to realign the existing national safety investigation set-ups in the aviation and maritime domains, classify all public road networks as a safety critical domain, and extend the application of safety science from the aviation and maritime safety investigation processes as established by international standards to the investigations of road accidents.

3. This consultation sought views on:

- *The setting up of the Transport Safety Investigation Commission as a permanent, safety investigation entity with three Bureaux within its structure, i.e., the Bureau of Air Safety Investigation, the Bureau of Maritime Safety Investigation, and the Bureau of Road Safety Investigation;*
- *The obligations of each Bureau to either investigate or participate in safety investigations; and*
- *The Transport Safety Investigation Commission becoming a point of reference for furthering safety in transport.*

Responses to the consultation and process used to seek stakeholder views

This document is the Government Response to this consultation and sets out the Government's decisions on these matters.

4. The consultation closed on 15 February 2023.

The consultation document was available online and responses were accepted electronically and on paper. All feedback was received electronically via a dedicated mailbox. In total, 12 responses were received. These were submitted by private citizens, the Malta Police Force and across the industry, including NGOs and other private and public entities. A complete list of respondents can be found in Annex A.

5. A total of five meetings were held with the Ministry for Justice, the Court Services Agency (Malta), the Malta Police Force, the State Advocate, the Attorney General, the Chief Justice, and the Industrial Relations Unit – Office of the Permanent Secretary (People & Standards). The meetings also informed the rationale and the development of the orientation of the consultation document.

Summary of responses and decisions

The following is a summary of the consultation responses received. We would like to thank all those who took the time to respond to the consultation and participate in stakeholder meetings throughout the consultation exercise.

6. Statistics.

- Total feedback received: 12 responses
- Total feedback received from individuals: 6 responses
- Total feedback received from organisations: 6 responses
- Total feedback received through email: 12 responses
- Total feedback received through online form: 0
- Total feedback received by post: 0

7. Summary of feedback received.

Since responses were received by email, the respondents had no limitations in their submissions in terms of length and nature of feedback submitted. All comments were thoroughly analysed and, where possible, will be further considered during the implementation of the comprehensive action plan. Comments which were not directly related to the three proposals published in the consultation paper were also noted.

None of the received responses opposed the proposals set in the consultation paper, with several comments referring to the prevention of accidents, the road transport infrastructure in general, and its use in a sustainable and safe manner. In particular, the representatives of the responding organisations and the Malta Police Force, welcomed the proposals with enthusiasm, confirming

that this is indeed a positive way forward towards road safety and confirming their support and co-operation.

The role of the proposed Transport Safety Investigation Commission and the Bureau for Road Safety Investigation in contributing towards the Vision Zero was also acknowledged. Other comments, some of which were recurring, ranged from points of principle to considerations related to the operational readiness of the Commission and the Bureau for Road Safety Investigation, namely:

- The governance structure of the Commission;
- The importance of providing adequate training to the Bureau's safety investigators;
- The Commission's role in providing support to crash victims and their next of kin;
- Ensuring that the Bureau for Road Safety Investigation has the necessary access to evidence / accident data;
- Extending the scope of the road safety investigations to non-fatal occurrences;
- Publishing of timely safety investigation reports to disseminate lessons on the knowledge data gap, which the consultation paper refers to;
- Using safety investigation reports in judicial proceedings;
- Collaborating with judicial proceedings; and
- Considering adopting the term 'crashes' as opposed to 'road accidents'.

8. Having reviewed the comments received on the proposal for the setting up of a Transport Safety Investigation Commission, our assessment reinforces our concern with respect to the existing scientific data gap in the analysis of accidental events and contributing factors to road accidents. The analysis also reaffirms the importance of setting up a permanent safety investigation commission, which investigates and studies aviation, maritime and road accidents from a scientific perspective and independently from the regulatory regime.

The Government will be proceeding with the necessary preparatory work to establish the Transport Safety Investigation Commission and its three Bureaux covering the land, air and maritime transport domains.

Implementation

9. When you intend to implement the decisions

It is envisaged that the necessary legislative changes will be presented to parliament by the end of July 2023, with the aim of the changes coming into force by the end of December 2023.

Contact Details

If you have any questions regarding this response, please contact: consultations.mtip@gov.mt

Annex A: List of respondents

Organisation
Doctors for Road Safety
Malta Insurance Association
Malta Police Force
Malta Road Safety Council
Private Individuals (6)
Project Aegle Foundation
ReLeaf Malta