

Reprint

as at 1 August 2008

Transport Accident Investigation Commission Act 1990

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

This Act is administered in the Ministry of Transport.

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An Act—

- (a) To establish the Transport Accident Investigation Commission, and to define its functions, duties, and powers; and**
- (b) To regulate the disclosure and admissibility of certain transport accident or incident investigation information.**

This Title was substituted, as from 10 September 1999, by section 2 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). It previously read as follows: “An Act to establish the Transport Accident Investigation Commission, and to define its functions, duties, and powers”. See section 8 of that Act as to the savings provisions.

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Transport Accident Investigation Commission Act 1990.
- (2) This Act shall come into force on the 1st day of September 1990.

**Part 1
Preliminary provisions**

The Part Heading was inserted, as from 10 September 1999, by section 3 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). See section 8 of that Act as to the savings provisions.

2 Interpretation

In this Part of this Act, unless the context otherwise requires,—

Accident,—

- (a) In relation to aviation, has the same meaning as in section 2 of the Civil Aviation Act 1990; and
- (b) in relation to rail transport, has the same meaning as in section 4(1) of the Railways Act 2005; and
- (c) In relation to maritime transport, has the same meaning as in section 2(1) of the Maritime Transport Act 1994:

Accident: this definition was substituted, as from 1 April 1993, by section 2 Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112)

Accident: the expression “; and”, and paragraph (c), were inserted, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104). See regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Accident: paragraph (b) of this definition was substituted, as from 20 July 2005, by section 103(3) Railways Act 2005 (2005 No 37). See sections 105 to 111 of that Act as to the transitional provisions.

Aeronautical product has the same meaning as in section 2 of the Civil Aviation Act 1990

Aeronautical product: this definition was inserted, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104). See regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Authority*[Repealed]*

Authority: this definition was inserted, as from 10 August 1992, by section 39 Civil Aviation Amendment Act 1992 (1992 No 75).

Authority: this definition was omitted, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104). See regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

[Repealed]

Civil Aviation Authority means the Civil Aviation Authority of New Zealand established by section 72A of the Civil Aviation Act 1990

Civil Aviation Authority: this definition was inserted, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104). See regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Commission means the Transport Accident Investigation Commission established under this Act

Convention—

- (a) Means the Convention on International Civil Aviation signed on behalf of the Government of New Zealand in Chicago on the 7th day of December 1944; and
- (b) Includes—
 - (i) Any amendment to the Convention which has entered into force under Article 94(a) of the Convention and has been ratified by New Zealand; and
 - (ii) Any Annex or amendment thereto accepted under Article 90 of the Convention; and
 - (iii) The international standards and recommended practices from time to time accepted and amended by the International Civil Aviation Organisation pursuant to Article 37 of the Convention:

Convention: this definition was inserted, as from 28 November 1991, by section 11(1) Civil Aviation Amendment Act 1991 (1991 No 116).

Incident—

- (a) In relation to aviation, has the same meaning as in section 2 of the Civil Aviation Act 1990; and
- (b) in relation to rail transport, has the same meaning as in section 4(1) of the Railways Act 2005; and
- (c) In relation to maritime transport, has the same meaning as in section 2(1) of the Maritime Transport Act 1994:

Incident: this definition was substituted, as from 1 April 1993, by section 2 Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112).

Incident: the expression ; and, and paragraph (c), were inserted, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104). *See* regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Incident: paragraph (b) of this definition was substituted, as from 20 July 2005, by section 103(3) Railways Act 2005 (2005 No 37). *See* sections 105 to 111 of that Act as to the transitional provisions.

Land Transport Authority means the New Zealand Transport Agency established by section 93 of the Land Transport Management Act 2003

Maritime New Zealand means the authority continued by section 429 of the Maritime Transport Act 1994

Maritime New Zealand: this definition was substituted, as from 1 July 2005, by section 11(3) Maritime Transport Amendment Act 2004 (2004 No 98).

Maritime product has the same meaning as in section 2(1) of the Maritime Transport Act 1994

Maritime product: this definition was inserted, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104). See regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Minister means the Minister of Transport

Rail service vehicle*[Repealed]*

Rail service vehicle: this definition was inserted, as from 1 April 1993, by section 2 Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112).

Rail service vehicle: this definition was repealed, as from 20 July 2005, by section 103(3) Railways Act 2005 (2005 No 37). See sections 105 to 111 of that Act as to the transitional provisions.

[Repealed]

Secretary means the chief executive of the Ministry of Transport

Secretary: the original definition of Secretary was repealed, as from 10 August 1992, by section 39 Civil Aviation Amendment Act 1992 (1992 No 75). A new definition was inserted, as from 14 December 1992, by section 2 Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112).

Ship has the same meaning as in section 2(1) of the Maritime Transport Act 1994

Ship: this definition was inserted, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104). See regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Transport related thing includes any aircraft, rail vehicle, ship, aerodrome, aeronautical product, maritime product, building, or place

Transport related thing: this definition was inserted, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104). See regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Transport related thing: this definition was amended, as from 20 July 2005, by section 103(3) Railways Act 2005 (2005 No 37) by substituting the words “rail vehicle” for the words “rail service vehicle”. See sections 105 to 111 of that Act as to the transitional provisions.

Warship has the same meaning as in section 2(1) of the Maritime Transport Act 1994.

Warship: this definition was inserted, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104). *See* regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Land Transport Authority: this definition was inserted, as from 20 August 1993, by section 35 Land Transport Act 1993 (1993 No 88).

Land transport authority: this definition was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by substituting the words “continued by section 184 of the Land Transport Act 1998” for the words “established by section 15 of the Land Transport Act 1993”.

Land Transport Authority: this definition was substituted, as from 1 December 2004, by section 19(1) Land Transport Management Amendment Act 2004 (2004 No 97). *See* sections 20 to 22 of that Act as to the savings and transitional provisions.

Section 2 **Land Transport Authority**: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

2A Application of Act

- (1) Except as otherwise expressly provided in this Act or in any other Act, or in the regulations or rules concerned, nothing in this Act shall apply to the New Zealand Defence Force.
- (2) Nothing in this Act shall be interpreted as limiting the privileges and immunities of—
 - (a) Any foreign military aircraft, foreign warship, or any ship owned or operated by a state other than New Zealand, if the ship is being used by that State for wholly governmental purposes, other than commercial purposes; or
 - (b) The members of the visiting force and crew members of any such foreign military aircraft, foreign warship or such other ship.

Section 2A was inserted, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104). *See* regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Part 2 Transport Accident Investigation Commission

The preceding heading was inserted, as from 10 September 1999, by section 4 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

3 Establishment of Commission

- (1) For the purposes of this Act, there shall be a Transport Accident Investigation Commission.
- (2) The Commission is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
- (3) The Crown Entities Act 2004 applies to the Commission except to the extent that this Act expressly provides otherwise.

Subsections (2) and (3) were substituted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

4 Purpose of Commission

The principal purpose of the Commission shall be to determine the circumstances and causes of accidents and incidents with a view to avoiding similar occurrences in the future, rather than to ascribe blame to any person.

5 Membership of Commission

- (1) The Commission consists of not less than 3 and not more than 5 members appointed in accordance with section 28(1)(b) of the Crown Entities Act 2004.
- (2) Members of the Commission are the board for the purposes of the Crown Entities Act 2004.
- (3) One of the members of the Commission shall be a barrister or solicitor of the High Court who has held a practising certificate as such for not less than 7 years, or a District Court Judge.
- (4) Subsection (3) does not limit section 29 of the Crown Entities Act 2004.

Subsection (1) was substituted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Subsection (2) was amended, as from 1 September 1990, by section 3 Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112) by substituting the words “qualifications and experience” for the word “expertise”, and omitting the words “in such matters”.

Subsection (2) was substituted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Subsection (4) was inserted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

5A Appointment of assessors

- (1) The Commission may from time to time appoint, on such terms as the chief executive and the appointee may agree, any suitably qualified person to be an assessor for the purposes of any investigation under this Act.
- (2) The Commission may co-opt for such term as it thinks fit any assessor to be a member of the Commission.
- (3) A co-opted member of the Commission shall be entitled to attend and speak at any meeting of the Commission, but shall not be entitled to vote on any question unless authorised to do so by resolution of the Commission.

Section 5A was inserted, as from 1 April 1993 by section 4 Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112). *See* section 4(2) of that Act which declares any appointment of an assessor made before the commencement of this section to be lawful.

6 Commission responsible to Minister

[Repealed]

Section 6 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

6A Extra information to be included in statement of intent

- (1) The Commission must include the following information in its statement of intent under section 139 of the Crown Entities Act 2004:
 - (a) any new borrowings or financial leases or similar liabilities the Commission intends to incur during that year; and
 - (b) policies and priorities in exercising its discretion with respect to the investigation of accidents and incidents.
- (2) The Minister may direct the Commission to amend any provision that is included in the statement of intent under subsection (1)(a), and section 147 of the Crown Entities Act 2004 applies accordingly.

Section 6A was inserted, as from 13 August 1996, by section 2 Transport Accident Investigation Commission Amendment Act 1996 (1996 No 92).

Section 6A was substituted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

7 Further provisions applying in relation to Commission

The provisions of the Schedule to this Act shall apply in relation to the Commission and its proceedings, members, employees, and committees.

8 Functions of Commission

- (1) The principal function of the Commission shall be the investigation of accidents and incidents.
- (2) Without limiting the principal function under subsection (1) of this section, the Commission shall also have the following functions:
 - (a) To make such inquiries as it considers appropriate in order to ascertain the cause or causes of accidents and incidents:
 - (b) To co-ordinate and direct all such investigations and to determine which other parties (if any) should be involved in such investigations:
 - (c) To prepare and publish findings and recommendations (if any) in respect of any such investigation:
 - (d) If requested by the Minister, to deliver a written report on each investigation to the Minister, including any recommendations for changes and improvements that it considers will ensure the avoidance of accidents and incidents in the future:
 - (e) To co-operate and co-ordinate with other accident investigation organisations overseas, including taking evidence on their behalf:
 - (f) Where—
 - (i) A notification under section 27 of the Civil Aviation Act 1990; or
 - (ii) A notification under section 13(4) of the Railways Act 2005; or
 - (iii) A notification under section 60 of the Maritime Transport Act 1994—

has not been received, to request from the Civil Aviation Authority, the New Zealand Transport Agency, or Maritime New Zealand, as the case may be, such further information as it considers appropriate regarding any accident that the Commission believes is required to

be investigated under section 13(1) or section 13(2) of this Act:

- (g) To perform any other function or duty conferred on it by this or any other Act.
- (3) Except as expressly provided otherwise in this or another Act, the Commission must act independently in performing its statutory functions and duties, and exercising its statutory powers, under—
- (a) this Act; and
 - (b) any other Act that expressly provides for the functions, powers, or duties of the Commission (other than the Crown Entities Act 2004).

Subsection (2)(f) was substituted, as from 20 August 1993 by section 35 Land Transport Act 1993 (1993 No 88).

Subsection (2)(f) was substituted, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104). *See* regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Section 8(2)(f): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (2)(f) was amended, as from 1 December 2004, by section 19(1) Land Transport Management Amendment Act 2004 (2004 No 97) by substituting the words “Land Transport New Zealand” for the words “the Land Transport Authority”. *See* sections 20 to 22 of that Act as to the savings and transitional provisions.

Subsection (2)(f) was amended, as from 1 July 2005, by section 11(3) Maritime Transport Amendment Act 2004 (2004 No 98) by substituting the words “Maritime New Zealand” for the words “the Maritime Safety Authority”. *See* sections 11 and 12 of that Act as to the transitional provisions.

Subsection (2)(f)(ii) was amended, as from 20 July 2005, by section 103(3) Railways Act 2005 (2005 No 37) by substituting the words “section 13(4) of the Railways Act 2005” for the words “section 39C of the Transport Services Licensing Act 1989”. *See* sections 105 to 111 of that Act as to the transitional provisions.

Subsection (3) was inserted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

9 Commission may make reports to Authority and give notice where appropriate

- (1) The Commission may make such preliminary reports and recommendations to—
- (a) The Civil Aviation Authority, in the case of aviation accidents and incidents; or

- (b) the New Zealand Transport Agency, in the case of rail accidents and incidents; or
 - (c) Maritime New Zealand, in the case of maritime accidents and incidents,—
- as the case may be, as may be necessary in the interests of transport safety.
- (2) The Commission may give such notice of any preliminary report or recommendation to such persons as may be appropriate in the interests of transport safety.
 - (3) The Commission shall make available to the Secretary any preliminary report or recommendation that has major consequences for transport safety.

The original subsection (1) was amended, as from 10 August 1992, by section 39 Civil Aviation Amendment Act 1992 (1992 No 75) by substituting the word “Authority” for the word “Secretary”.

The original subsection (1) was amended, as from 1 April 1993, by section 6 Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112) by inserting the words “or the Secretary”, and by substituting the word “transport” for the word “aviation”.

The original subsection (1) was amended, as from 20 August 1993, by section 35 Land Transport Act 1993 (1993 No 88) by substituting the words “or the Land Transport Authority” for the words “or the Secretary”.

Subsection (1) was substituted, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104). *See* regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Section 9(1)(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (1)(b) was amended, as from 1 December 2004, by section 19(1) Land Transport Management Amendment Act 2004 (2004 No 97) by substituting the words “Land Transport New Zealand” for the words “The Land Transport Authority”. *See* sections 20 to 22 of that Act as to the savings and transitional provisions.

Subsection (1)(b) was amended, as from 20 July 2005, by section 103(3) Railways Act 2005 (2005 No 37) by omitting the word “service”. *See* sections 105 to 111 of that Act as to the transitional provisions.

Subsection (1)(c) was amended, as from 1 December 2004, by section 19(1) Land Transport Management Amendment Act 2004 (2004 No 97) by substituting the word “Transport” for the word “Safety”. *See* sections 20 to 22 of that Act as to the savings and transitional provisions.

Subsection (1)(c) was amended, as from 1 July 2005, by section 11(3) Maritime Transport Amendment Act 2004 (2004 No 98) by substituting the words “Maritime New Zealand” for the words “The Maritime Safety Authority”. *See* sections 11 and 12 of that Act as to the transitional provisions. *See also* section 19(1) Land Transport Management Amendment Act 2004 (2004 No 97),

which substituted the word “Transport” for the word “Safety” in “The Maritime Safety Authority”.

Subsection (3) was inserted, as from 20 August 1993, by section 35 Land Transport Act 1993 (1993 No 88).

10 Commission to notify Authority of accidents and incidents not being investigated

The Commission shall notify the Civil Aviation Authority, the New Zealand Transport Agency, or Maritime New Zealand, as the case may require, of every accident or incident that—

- (a) Is reported to the Commission; and
- (b) Either—
 - (i) Is outside the scope of the Commission’s jurisdiction; or
 - (ii) Is an accident or incident that the Commission decides not to investigate, being an accident or incident that the Commission is not required to investigate under this Act.

Section 10: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 10 was amended, as from 10 August 1992, by section 39 Civil Aviation Amendment Act 1992 (1992 No 75) by substituting the word “Authority” for the word “Secretary”.

The reference to the “Secretary” was reinserted, as from 1 April 1993, by section 7 Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112) but was removed, as from 20 August 1993, by section 35 Land Transport Act 1993 (1993 No 88), which substituted the words “or the Land Transport Authority, as the case may require,” for the words “or the Secretary, as the case may require”.

Section 10 was amended, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104) by substituting the words “Civil Aviation Authority, the Land Transport Authority, or the Maritime Safety Authority” for the words “Authority or the Land Transport Authority”. See regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Section 10 was amended, as from 1 December 2004, by section 19(1) Land Transport Management Amendment Act 2004 (2004 No 97) by substituting the words “Land Transport New Zealand” for the words “the Land Transport Authority”. See sections 20 to 22 of that Act as to the savings and transitional provisions.

Section 10 was amended, as from 1 July 2005, by section 11(3) Maritime Transport Amendment Act 2004 (2004 No 98), by substituting the words “Maritime New Zealand” for the words “the Maritime Safety Authority”.

11 Powers of Commission

- (1) For the purposes of carrying out its functions and duties under this Act, the Commission shall have the same powers as are conferred on a Commission of Inquiry by the Commissions of Inquiry Act 1908, and subject to the provisions of this Act, all the provisions of that Act, except sections 11 and 12 (which relate to costs), shall apply accordingly.
- (2) Subsection (1) applies in addition to sections 16 and 17 of the Crown Entities Act 2004.

Subsection (2) was substituted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

12 Powers of entry and investigation

- (1) Without limiting the powers conferred by section 11 of this Act or sections 16 and 17 of the Crown Entities Act 2004, for the purposes of exercising any of its functions, duties, or powers under this Act, the Commission and any person authorised in writing for the purpose by the Commission shall have power to do all or any of the following:
 - (a) To enter and inspect any transport related thing where the Commission believes on reasonable grounds that it is necessary to do so for the purposes of investigating an accident or incident:
 - (b) To inspect, make copies of, or take extracts from, or retain any document or record that the Commission believes on reasonable grounds is relevant to the investigation of an accident or incident:
 - (c) Where the Commission believes on reasonable grounds that it is necessary to preserve or record evidence, or to prevent the tampering with or alteration, mutilation, or destruction of any place or thing involved in any manner in an accident or incident, to prohibit or restrict access of persons or classes of persons to the site of any accident or incident or to any transport related thing involved in the accident or incident:
 - (ca) Where the Commission believes on reasonable grounds that any transport related thing is or contains evidence relevant to the investigation of any accident or incident,

to direct that the transport related thing be taken to a place nominated by the Commission:

- (d) To seize, detain, remove, preserve, protect, or test any place or thing that the Commission believes on reasonable grounds will assist in establishing the cause of an accident or incident.
- (2) Nothing in subsection (1) of this section shall confer on any person the power to enter any dwellinghouse, or any marae or building associated with a marae, unless the entry is authorised by a warrant given by a judicial officer on written application on oath, which shall not be granted unless the judicial officer is satisfied that the entry is essential to enable the inspection to be carried out.
 - (3) Every warrant issued under subsection (2) of this section shall be directed to a named person and shall be valid for a period of 1 month from the date of its issue or such lesser period as the judicial officer considers appropriate; and the period of validity shall be shown in the warrant.
 - (4) Every person exercising the power of entry conferred by subsection (1) or subsection (2) of this section shall carry a warrant of authority issued by the Chief Commissioner specifying—
 - (a) The name and the office or offices held by the person; and
 - (b) That the person is authorised by the Chief Commissioner to exercise the powers conferred by subsections (1) and (2) of this section to enter any transport related thing and to carry out such inspection.
 - (5) Every person exercising the power of entry conferred by subsection (1) or subsection (2) of this section shall produce the warrant of authority and evidence of identity—
 - (a) If practicable on first entering the transport related thing; and
 - (b) Whenever subsequently reasonably required to do so.

Subsections (1)(a), (c), (d), (4)(b), and (5)(a) were amended, as from 1 April 1993, by section 8 Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112) by inserting the words “rail service vehicle,”.

Sections 12 and 13 were substituted, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104). See regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Subsection (1)(c) and (d) were substituted, as from 13 August 1996, by section 3 Transport Accident Investigation Commission Amendment Act 1996 (1996 No 92).

Subsection (1)(d) was renumbered as subsection (1)(ca), as from 3 June 1998, by section 2 Transport Accident Investigation Commission Amendment Act 1998 (1998 No 63).

Subsection (1) was amended, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115) by inserting the words “or sections 16 and 17 of the Crown Entities Act 2004” after the words “section 11 of this Act”.

12A

- (1) Every person commits an offence who, without sufficient cause, fails to comply with a direction given by the Commission under section 12(1)(ca) of this Act.
- (2) Every person commits an offence who, without lawful authority, wilfully interferes with—
 - (a) The site of any accident or incident or any transport related thing in respect of which access has been prohibited or restricted by the Commission under section 12(1)(c) of this Act; or
 - (b) Any transport related thing that the Commission has directed be taken to any place under section 12(1)(ca) of this Act.
- (3) Every person who commits an offence against this section is liable on conviction to a fine not exceeding \$10,000.
- (4) A member of the Police may arrest without warrant any person who the member of the Police believes on reasonable grounds has committed, is committing, or is attempting to commit, or is otherwise concerned in the commission of, an offence against this section.

This section was inserted, as from 13 August 1996, by section 4 Transport Accident Investigation Commission Amendment Act 1996 (1996 No 92).

Subsection (1) was amended, as from 3 June 1998, by section 3(1) Transport Accident Investigation Commission Amendment Act 1998 (1998 No 63) by substituting the expression “12(1)(ca)” for the expression “12(1)(d)”.

Subsection (2)(b) was amended, as from 3 June 1998, by section 3(2) Transport Accident Investigation Commission Amendment Act 1998 (1998 No 63) by substituting the expression “12(1)(ca)” for the expression “12(1)(d)”.

13 Accidents to be investigated

- (1) As soon as practicable after an accident or incident has been notified to the Commission under section 27 of the Civil

Aviation Act 1990 or section 13(4) of the Railways Act 2005 or section 60 of the Maritime Transport Act 1994, the Commission shall investigate the accident or incident if,—

- (a)
 - (b) The Commission believes that the circumstances of the accident or incident have, or are likely to have, significant implications for transport safety, or may allow the Commission to establish findings or make recommendations which may increase transport safety; or
 - (c) In the case of an accident or incident that the Commission has decided not to investigate under paragraph (b) of this subsection, the Minister has directed the Commission to undertake an investigation in respect of that accident or incident.
- (2) Notwithstanding subsection (1) of this section, the Commission shall not investigate any maritime accident or incident where the implications of that accident or incident relate exclusively to the safety of persons employed or engaged solely to—
- (a) Maintain a ship while it is not at sea; or
 - (b) Load or unload a ship; or
 - (c) Both—
- unless the Minister directs the Commission to investigate that accident or incident.
- (3) The duty to investigate an accident or incident referred to in subsection (1) of this section shall include the power to investigate any aviation, maritime, or rail accident or incident that involves any combination of military and non-military persons, transport related things, or transport related services.
- (4) The Commission may investigate such additional accidents or incidents notified to it in accordance with section 27 of the Civil Aviation Act 1990 or section 13(4) of the Railways Act 2005 or section 60 of the Maritime Transport Act 1994 as it deems necessary.
- (5) If an accident or incident has not been notified to the Commission in accordance with section 27 of the Civil Aviation Act 1990 or section 13(4) of the Railways Act 2005 or section 60 of the Maritime Transport Act 1994, and the accident or incident is one that the Commission would investigate under paragraph

- (a) or paragraph (b) of subsection (1) of this section if it were so notified, the Commission may commence an investigation of the accident or incident.
- (6) Where an accident or incident has not been notified to the Commission in accordance with section 27 of the Civil Aviation Act 1990 or section 13(4) of the Railways Act 2005 or section 60 of the Maritime Transport Act 1994, the Minister may,—
- (a) Where the Commission has decided not to investigate the accident or incident under subsection (5) of this section; or
- (b) Where the accident is one that the Minister would direct the Commission to investigate under subsection (2) of this section if the accident had been notified to the Commission,—
- direct the Commission to investigate the accident or incident, and in any such case, the Commission shall do so.
- (7) Where the Commission intends to undertake an investigation under this section, the Commission shall notify the Civil Aviation Authority, the New Zealand Transport Agency, or Maritime New Zealand, as the case may require, of its intention as soon as practicable.
- (8) For the purpose of subsection (3) of this section, **military** means with respect to any transport related thing, a transport related thing operated by the New Zealand Defence Force or a visiting force.

Section 13 was substituted, as from 1 April 1993, by section 9 Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112).

Subsection (5) was amended, as from 20 August 1993, by section 35 Land Transport Act 1993 (1993 No 88) by substituting the words “Land Transport Authority” for the word “Secretary”.

Sections 12 and 13 were substituted, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104). *See* regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Section 13 was substituted, as from 13 August 1996, by section 5 Transport Accident Investigation Commission Amendment Act 1996 (1996 No 92).

Subsection (1) was amended, as from 20 July 2005, by section 103(3) Railways Act 2005 (2005 No 37) by substituting the words “section 13(4) of the Railways Act 2005” for the words “section 39C of the Transport Services Licensing Act 1989”. *See* sections 105 to 111 of that Act as to the transitional provisions.

Subsection (1)(a) was repealed, as from 10 September 1999, by section 5 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

Subsection (3) was amended, as from 20 July 2005, by section 103(3) Railways Act 2005 (2005 No 37) by omitting the word “service”. *See* sections 105 to 111 of that Act as to the transitional provisions.

Subsections (4), (5) and (6) were amended, as from 20 July 2005, by section 103(3) Railways Act 2005 (2005 No 37) by substituting the words “section 13(4) of the Railways Act 2005” for the words “section 39C of the Transport Services Licensing Act 1989”. *See* sections 105 to 111 of that Act as to the transitional provisions.

Section 13(7): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (7) was amended, as from 1 December 2004, by section 19(1) Land Transport Management Amendment Act 2004 (2004 No 97) by substituting the words “Land Transport New Zealand” for the words “the Land Transport Safety Authority”. *See* sections 20 to 22 of that Act as to the savings and transitional provisions.

Subsection (7) was amended, as from 1 July 2005, by section 11(3) Maritime Transport Amendment Act 2004 (2004 No 98) by substituting the words “Maritime New Zealand” for the words “the Maritime Safety Authority”. *See* sections 11 and 12 of that Act as to the transitional provisions.

14 Conduct of investigation

- (1) When an accident or incident is under investigation by the Commission, the Commission shall be in charge of that investigation.
- (2) The Commission shall permit the participation or representation of such foreign organisations in any investigation as is provided for in the Convention.
- (3) Except with the consent of the Commission, which consent shall not be unreasonably withheld no other person (including the Civil Aviation Authority, the New Zealand Transport Agency, and Maritime New Zealand) shall—
 - (a) Participate in any investigation being undertaken by the Commission; or
 - (b) Undertake any independent investigation at the site of any accident or incident being investigated by the Commission; or
 - (c) Examine or cause to be examined any material removed from the site of any accident or incident being investigated by the Commission; or

- (d) Examine or cause to be examined any recording of a communication between persons on the flight deck of an aircraft and persons in an air traffic control service relating to an accident or incident being investigated by the Commission; or
 - (e) Examine or cause to be examined any record specified in section 14C(2) that relates to an accident or incident being investigated by the Commission.
- (3A) Subsection (3) is subject to section 14H.
- (4) Where the Commission refuses consent under subsection (3) of this section, it shall give the applicant a statement in writing of the reasons for its refusal.
- (5) Where any preliminary report issued by the Commission states or infers that the conduct of any specified person has contributed to the cause of an accident or incident being investigated by the Commission, the Commission shall, before issuing a final report on the matter,—
- (a) Give that person an opportunity to comment on or refute that statement, either in a statement in writing or at a hearing; and
 - (b) Have regard to that person's statement or other evidence.
- (6) Where an incident or accident referred to in section 13 of this Act is being investigated by the Commission and the New Zealand Defence Force, or a visiting force, the Commission and the Chief of Defence Force shall take all reasonable measures to ensure that the investigations are co-ordinated.

Section 14(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (3) amended, as from 10 August 1992, by section 39 Civil Aviation Amendment Act 1992 (1992 No 75) by substituting the word "Authority" for the word "Secretary".

Subsection (3) was amended, as from 1 April 1993, by section 10 Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112) by inserting, after the word "Authority", the words "and the Secretary", and by inserting the words "which consent shall not be unreasonably withheld".

Reference to "the Secretary" in subsection (3) was substituted, as from 20 August 1993, by section 35 Land Transport Act 1993 (1993 No 88) by a reference to the "Land Transport Authority".

Subsection (3) was amended, as from 1 February 1995, by section 203 Maritime Transport Act 1994 (1994 No 104) by substituting the words "Civil Aviation

Authority, the Land Transport Authority, and the Maritime Safety Authority” for the words “Authority and the Land Transport Authority”. See regulation 2 Maritime Transport Act Commencement Order 1994 (SR 1994/272).

Subsection (3) was amended, as from 1 December 2004, by section 19(1) Land Transport Management Amendment Act 2004 (2004 No 97) by substituting the words “Land Transport New Zealand” for the words “the Land Transport Authority”. See sections 20 to 22 of that Act as to the savings and transitional provisions.

Subsection (3) was amended, as from 1 July 2005, by section 11(3) Maritime Transport Amendment Act 2004 (2004 No 98), by substituting the words “Maritime New Zealand” for the words “the Maritime Safety Authority”.

Subsection (3)(c) was amended, by inserting the word “; or”, and subsection (3)(d) and (e) were inserted, as from 10 September 1999, by section 6(1) and (2) Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). See section 8 of that Act as to the savings provisions.

Subsection (3A) was inserted, as from 10 September 1999, by section 6(3) Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). See section 8 of that Act as to the savings provisions.

Part 3

Disclosure and admissibility of transport accident and incident investigation information

Sections 14A to 14R and the preceding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). See section 8 of that Act as to the savings provisions.

14A Interpretation

For the purposes of this Part, unless the context otherwise requires,—

Disclose, in relation to a record referred to in this Part, includes—

- (a) Relating the whole or part of the contents of the record orally; and
- (b) Producing the record, or a copy of the record, in whole or in part in any form;—

and **disclosed** and **disclosure** have corresponding meanings

Proceedings means—

- (a) Proceedings before a court or tribunal, including—
 - (i) A court of inquiry under section 200 of the Armed Forces Discipline Act 1971; and

- (ii) Proceedings relating to an offence under the Armed Forces Discipline Act 1971; and
- (b) Proceedings before any Coroner; and
- (c) An arbitration under the Arbitration Act 1996; and
- (d) Proceedings before a Commission of Inquiry under the Commissions of Inquiry Act 1908 or a body, other than the Commission, having the powers of such a Commission of Inquiry; and
- (e) An inquiry or investigation by any person, other than the Commission, having authority to conduct the inquiry or investigation under any Act.

Sections 14A to 14R and the preceding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

14B Circumstances of disclosure, and admissibility, of certain investigation records

- (1) A record specified in subsection (2)—
 - (a) May only be disclosed—
 - (i) By the Commission, or other person with the written consent of the Commission, for the purposes of an investigation by the Commission into an accident or incident to which the record relates; or
 - (ii) Under section 14Q; and
 - (b) Is not admissible in any proceeding.
- (2) A record referred to in subsection (1) is—
 - (a) A statement or submission made to the Commission in the course of an investigation; or
 - (b) A recording of an interview by a person engaged in an investigation by the Commission that is generated in the course of an investigation, or a transcript of such a recording; or
 - (c) A note or opinion of a person engaged in an investigation by the Commission that is generated in the course of an investigation; or
 - (d) Information relating to an investigation that is provided in confidence by the Commission to any other person

(unless that information is a record specified in section 14C(2)).

- (3) Despite subsection (1), a person who made a statement or submission referred to in subsection (2)(a) or who supplied any statement contained in a record referred to in paragraph (b) or paragraph (c) of subsection (2) may disclose that information contained in the statement or submission to any person.

Sections 14A to 14R and the preceeding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). See section 8 of that Act as to the savings provisions.

14C Circumstances of disclosure of cockpit recordings, and certain investigation records supplied to Commission

- (1) A record specified in subsection (2) may only be disclosed—
- (a) By the Commission, or other person with the written consent of the Commission, for the purposes of an investigation by the Commission into an accident or incident to which the record relates; or
 - (b) By order of the High Court under section 14E or section 14F; or
 - (c) Under section 14Q.
- (2) A record referred to in subsection (1) is—
- (a) A cockpit voice recording from a non-military aircraft or a transcript of a cockpit voice recording from a non-military aircraft; or
 - (b) A cockpit video recording from a non-military aircraft or a transcript of a cockpit video recording from a non-military aircraft; or
 - (c) A document or record held by the Commission that contains information about an identifiable natural person that was supplied to the Commission in the course of an investigation (not being information included in any statement, submission, recording, transcript, or note referred to in any of paragraphs (a), (b), or (c) of section 14B(2)).
- (3) Nothing in subsection (1) prevents a person who is recorded on a record referred to in paragraph (a) or paragraph (b) of subsection (2), or who supplied information contained in a record

referred to in subsection (2)(c), from making a statement to any person about the accident or incident.

Sections 14A to 14R and the preceding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

14D Admissibility of cockpit recordings, and certain investigation records supplied to Commission

- (1) A record specified in section 14C(2) is not admissible in—
 - (a) Civil proceedings other than proceedings of a kind to which section 14F applies; and
 - (b) Proceedings under the Armed Forces Discipline Act 1971.
- (2) A record specified in section 14C(2) is not admissible against a member of the flight crew of a military or a non-military aircraft in any proceedings.
- (3) Nothing in subsection (2) affects the admissibility of a record specified in section 14C(2) against a person other than a member of the flight crew of a military or a non-military aircraft.
- (4) A record specified in section 14C(2) is only admissible in particular civil proceedings of a kind to which section 14F applies if it was disclosed in relation to those proceedings in accordance with an order made under section 14E or section 14F.
- (5) Nothing in this section renders admissible any record that is inadmissible under any other enactment or rule of law.

Sections 14A to 14R and the preceding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

14E Disclosure of record relating to accident or incident before civil proceedings commenced

- (1) This section applies to any civil proceedings if the amount of the damages claimed or intended to be claimed exceeds the amount specified from time to time as the maximum civil jurisdiction of District Courts under the District Courts Act 1947; but does not apply to proceedings under the Employment Relations Act 2000.

- (2) A person who is or may be intending to commence civil proceedings of a kind specified in subsection (1) may apply to the High Court for the disclosure of a record specified in section 14C(2).
- (3) The Court may order the disclosure of a record to a person who applies under subsection (2) if—
 - (a) It appears to the Court that—
 - (i) The person is or may be entitled to claim relief in proceedings of a kind specified in subsection (1); and
 - (ii) It is impossible or impracticable for the person to formulate the person’s claim without reference to the record sought; and
 - (b) The Court determines, on the balance of probabilities, that the interests of justice in the disclosure of the record outweigh the adverse domestic and international impact the disclosure may have on the investigation to which the record relates or any future investigation into an accident or incident.

Sections 14A to 14R and the preceding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

Subsection (1) was amended, as from 2 October 2000, by section 240 Employment Relations Act 2000 (2000 No 24) by substituting the expression “Employment Relations Act 2000” for the expression “Employment Contracts Act 1991”.

14F Disclosure of record relating to accident or incident in civil proceedings

- (1) This section applies to any civil proceedings if the amount of the damages claimed exceeds the amount specified from time to time as the maximum civil jurisdiction of District Courts under the District Courts Act 1947; but does not apply to proceedings under the Employment Relations Act 2000.
- (2) A party to civil proceedings to which this section applies may apply to the High Court for the disclosure of a record specified in section 14C(2).
- (3) The Court may order the disclosure of a record under this section if the Court determines, on the balance of probabilities,

that the interests of justice in the disclosure of the record outweigh the adverse domestic and international impact the disclosure may have on the investigation to which the record relates or any future investigation into an accident or incident.

Sections 14A to 14R and the preceding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

Subsection (1) was amended, as from 2 October 2000, by section 240 Employment Relations Act 2000 (2000 No 24) by substituting the expression “Employment Relations Act 2000” for the expression “Employment Contracts Act 1991”.

14G Provisions relating to application under section 14E or section 14F

- (1) Subject to this section, an application under section 14E or section 14F must be made and dealt with in accordance with the rules of court applicable to interlocutory applications.
- (2) The applicant must notify the following persons of the making of the application:
 - (a) The person who has possession of the record:
 - (b) Any natural person who is the subject of the record or, if that person is deceased, that person’s next of kin:
 - (c) The owner of the record.
- (3) A person who is served with a notice of an application, and any other person who satisfies the Court that he or she has a legitimate interest in the application, may appear before the Court and be heard in respect of the application.
- (4) Only the following persons are permitted to be present at the hearing of an application under this section:
 - (a) The Judge or Master and officers of the Court:
 - (b) The applicant and the applicant’s counsel:
 - (c) Other parties to the proceedings to which the application relates (or intended parties in the case of an application under section 14E) and their counsel:
 - (d) Witnesses:
 - (e) Any person referred to in subsection (3).
- (5) The Judge or Master may exclude any witness or person referred to in subsection (3) from any part of the hearing of the application.

- (6) The Court may adjourn the hearing of an application under section 14E or section 14F at any time if it appears to the Court, on the application of any person or on the Court's own motion, that the making of a disclosure order will prejudice any investigation into an accident or incident that is being undertaken by the Commission.
- (7) Subsection (6) does not limit any other power of the Court to adjourn proceedings.
- (8) For the purpose of subsection (2)(b), a person's next of kin may include that person's civil union partner or de facto partner.

Sections 14A to 14R and the preceding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

Subsection (8) was inserted, as from 26 April 2005, by section 7 Relationships (Statutory References) Act 2005 (2005 No 3).

14H Court may order record to be produced

- (1) For the purpose of determining whether a record should be disclosed under section 14E or section 14F, the Court may order any person who has the possession of the record to produce it to the Court.
- (2) Subject to section 14J, the Court may deal with the record as it thinks fit.

Sections 14A to 14R and the preceding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

14I Restriction on publication of reports of proceedings

- (1) No person may publish any report of an application under section 14E or section 14F without the leave of the Court.
- (2) Despite subsection (1), a person may publish—
 - (a) The names and addresses of the parties:
 - (b) The name of the presiding Judge or Master:
 - (c) The order made by the Court.

Sections 14A to 14R and the preceding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

14J Further provisions relating to disclosure of record

- (1) If the High Court makes a disclosure order under section 14E or section 14F, the order relates only to the parts of the record that are relevant to the purpose for which the disclosure was ordered, and any part of the record that is not relevant must not be disclosed.
- (2) The record must only be used for the purpose for which the disclosure was ordered, and no person is permitted to copy the record or make notes from the record without the leave of the Court.
- (3) The record must be returned to the person who produced the record to the Court when the record is no longer needed for the purpose for which the disclosure was ordered.
- (4) No record that is ordered to be disclosed under section 14E or section 14F may be broadcast or published in the media.

Sections 14A to 14R and the preceeding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

14K Certain actions do not constitute disclosure

The following actions do not constitute disclosure of a record referred to in section 14B or section 14C:

- (a) The inclusion of the whole or part of a record in any findings or recommendations published, or report made, by the Commission after an investigation:
- (b) The return of a recording to its owner with the consent of all the individuals recorded on it:
- (c) The broadcast or publication in the media of any information disclosed to any person under section 14B(3) or any statement made under section 14C(3).

Sections 14A to 14R and the preceeding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

14L Offences relating to disclosure of records

- (1) Every person commits an offence who discloses a record specified in section 14B(2) or section 14C(2) in breach of section 14B or section 14C.

- (2) Every person commits an offence who contravenes section 14J(2).
- (3) Every person who commits an offence against this section is liable on summary conviction,—
 - (a) In the case of an individual, to a fine not exceeding \$10,000;
 - (b) In the case of a body corporate, to a fine not exceeding \$25,000.

Sections 14A to 14R and the preceding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

14M Offences relating to publication of reports of proceedings or publication of records

- (1) Every person commits an offence who contravenes section 14I or section 14J(4).
- (2) Every person who commits an offence against this section is liable on summary conviction,—
 - (a) In the case of an individual, to a fine not exceeding \$10,000;
 - (b) In the case of a body corporate, to a fine not exceeding \$25,000.

Sections 14A to 14R and the preceding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

14N Admissibility of accident or incident findings, recommendations, or report

No findings or recommendations published, or report made after an investigation by the Commission are admissible as evidence in any proceedings except—

- (a) A Coroner's inquiry; or
- (b) An application for review of a decision of the Commission.

Sections 14A to 14R and the preceding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

Section 14N(a): amended, on 1 July 2007, by section 146 of the Coroners Act 2006 (2006 No 38).

14O Commission investigators not compellable to give opinion evidence in certain proceedings

No person engaged in an investigation by the Commission is compellable to give evidence in any proceedings to which the Commission is not a party as to—

- (a) That person's opinion concerning any aspect of an investigation; or
- (b) Any matter included in any analysis, findings, or recommendations made following an investigation.

Sections 14A to 14R and the preceding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

14P No search warrant may be issued for record specified in section 14B(2) or section 14C(2)

No Judge, Justice, Community Magistrate, or Registrar may issue a search warrant in respect of a record specified in section 14B(2) or section 14C(2).

Sections 14A to 14R and the preceding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

14Q Disclosure of personal information under Privacy Act 1993

- (1) A record specified in any of paragraphs (a), (b), and (c) of section 14B(2) or section 14C(2) may be disclosed to the supplier of that record pursuant to a request made in accordance with principle 6 of the Privacy Act 1993.
- (2) For the purposes of subsection (1), a person is the supplier of a record if the person—
 - (a) Made a statement or submission referred to in section 14B(2)(a); or
 - (b) Is recorded on a recording or transcript referred to in paragraph (a) or paragraph (b) of section 14C(2); or

- (c) Gave the information contained in a record referred to in paragraph (b) or paragraph (c) of section 14B(2) or section 14C(2)(c).
- (3) To avoid doubt, a person to whom a record is disclosed under this section may not disclose that record to any person in breach of section 14B(1) or section 14C(1).
- (4) Nothing in this section limits sections 27 to 29 of the Privacy Act 1993.
- (5) This section is subject to section 14(3).

Sections 14A to 14R and the preceeding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

14R Application of Official Information Act 1982 to record specified in section 14B(2) or section 14C(2)

Nothing in the Official Information Act 1982 applies to a record specified in section 14B(2) or section 14C(2).

Sections 14A to 14R and the preceeding heading were inserted, as from 10 September 1999, by section 7 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

15 Commission to complete certain former investigations

[Repealed]

Sections 15 and 16 were repealed, as from 10 September 1999, by section 9 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

16 Amendment to Ombudsmen Act 1975

[Repealed]

Sections 15 and 16 were repealed, as from 10 September 1999, by section 9 Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113). *See* section 8 of that Act as to the savings provisions.

Schedule

Section 7

**Provisions applying in relation to the
transport accident****Investigation Commission***Membership***1**

The Minister shall appoint one of the members of the Commission to be the Chief Commissioner and another member to be the Deputy Chief Commissioner.

2

The Chief Commissioner holds office as chairperson of the board and the Deputy Chief Commissioner holds office as deputy chairperson of the board for the purposes of the Crown Entities Act 2004 for the same term as they hold office as Chief Commissioner or Deputy Chief Commissioner respectively.

Clause 2 was substituted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

3

Clauses 1 to 4 of Schedule 5 of the Crown Entities Act 2004 do not apply to the Commission.

Clause 3 was substituted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

4

Clause 4 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

5

Clause 5 was amended, as from 1 January 2002, by section 70(1) Human Rights Amendment Act 2001 (2001 No 96), by substituting the words “inability to perform the functions of the office” for the word “disability”.

Clause 5 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

6

Clause 6 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

7

Clause 7 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

8

Clause 8 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Members not personally liable

9

Clause 9 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Remuneration and expenses of Commission members

10

Clause 10 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Meetings

11

Clause 11 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

12

Clause 12 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

13

Clause 13 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

14

Clause 14 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

15

Clause 15 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

16

Clause 16 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Execution of documents

17

Clause 17 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

18

Clause 18 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

19

Clause 19 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Administrative functions of Chief Commissioner

20

Clause 20 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Chief Executive

21

The Commission shall appoint a Chief Executive, who shall not be a member of the Commission, in accordance with section 117 of the Crown Entities Act 2004.

Clause 21 was amended, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115) by inserting the words “, in accordance with section 117 of the Crown Entities Act 2004”.

22

Clause 22 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Employees

[Repealed]

This heading was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

23

Clause 23 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

24

Clause 24 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

25 Membership of Government Superannuation Fund

(1) Every person who—

- (a) Was immediately before the commencement of this Act a member of the Government Superannuation Fund; and
 - (b) No later than one month after the commencement of this Act becomes an employee of the Commission,—
may continue to be a member of the Fund; and for so long as the person remains a member of the fund, the member's service in the employment of the Commission shall be deemed to be Government Service within the meaning of the Government Superannuation Fund Act 1956.
- (2) Except as provided in subclause (1) of this clause, no employee of the Commission is entitled to become or remain a member of the Government Superannuation Fund.

Delegations

26

The Commission may delegate under section 73 of the Crown Entities Act 2004 its power to investigate an accident or incident, or any power incidental to that power (including the functions set out in section 8 of this Act), but—

- (a) if it does so, it must review the facts; and
- (b) it may not delegate its power to make findings and recommendations as to the contributing factors and causes of the accident or incident.

Clause 26 was substituted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

27

The Chief Commissioner may delegate the Chief Commissioner's power to issue a warrant under section 12(4) in the same manner as the Board may delegate a power under section 73 of the Crown Entities Act 2004.

Clause 27 was substituted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

28

Sections 74 to 76 of the Crown Entities Act 2004 apply to a delegation under clause 27, with all necessary modifications.

Clause 28 was substituted, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

29

Clause 29 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

30

Clause 30 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

31

Clause 31 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

32

Clause 32 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Crown entity
[Repealed]

This heading was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

33

Clauses 33, 34, and the heading “Accounting Provisions”, were substituted, as from 21 December 1992, by section 42 Public Finance Amendment Act 1992 (1992 No 142).

Clause 33 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

Annual report
[Repealed]

This heading was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

34

Clauses 33, 34, and the heading “Accounting Provisions”, were substituted, as from 21 December 1992, by section 42 Public Finance Amendment Act 1992 (1992 No 142).

Clause 34 was repealed, as from 25 January 2005, by section 200 Crown Entities Act 2004 (2004 No 115).

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Notes

1 *General*

This is an eprint of the Transport Accident Investigation Commission Act 1990. It incorporates all the amendments to the Transport Accident Investigation Commission Act 1990 as at 1 August 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 *About this eprint*

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

3 *List of amendments incorporated in this eprint (most recent first)*

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)
