

**Reprint
as at 1 July 2014**



**Transport Accident Investigation
Commission Act 1990**

Public Act 1990 No 99
Date of assent 8 August 1990
Commencement see section 1(2)

Contents

| | Page |
|--|------|
| Title | 3 |
| 1 Short Title and commencement | 3 |
| Part 1 | |
| Preliminary provisions | |
| 2 Interpretation | 3 |
| 2A Application of Act | 6 |
| Part 2 | |
| Transport Accident Investigation Commission | |
| 3 Establishment of Commission | 6 |
| 4 Purpose of Commission | 7 |
| 5 Membership of Commission | 7 |
| 5A Appointment of assessors | 7 |
| 6 Commission responsible to Minister <i>[Repealed]</i> | 8 |
| 6A Extra information to be included in statement of intent | 8 |

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Transport.

| | | |
|-----|--|----|
| 7 | Further provisions applying in relation to Commission | 8 |
| 8 | Functions of Commission | 8 |
| 9 | Commission may make reports to Authority and give notice where appropriate | 10 |
| 10 | Commission to notify Authority of accidents and incidents not being investigated | 11 |
| 11 | Powers of Commission | 11 |
| 12 | Powers of entry and investigation | 11 |
| 12A | Offences in respect of certain powers of investigation | 13 |
| 13 | Accidents to be investigated | 14 |
| 14 | Conduct of investigation | 16 |

Part 3

Disclosure and admissibility of transport accident and incident investigation information

| | | |
|-----|---|----|
| 14A | Interpretation | 18 |
| 14B | Circumstances of disclosure, and admissibility, of certain investigation records | 19 |
| 14C | Circumstances of disclosure of cockpit recordings, and certain investigation records supplied to Commission | 20 |
| 14D | Admissibility of cockpit recordings, and certain investigation records supplied to Commission | 20 |
| 14E | Disclosure of record relating to accident or incident before civil proceedings commenced | 21 |
| 14F | Disclosure of record relating to accident or incident in civil proceedings | 22 |
| 14G | Provisions relating to application under section 14E or section 14F | 22 |
| 14H | Court may order record to be produced | 23 |
| 14I | Restriction on publication of reports of proceedings | 24 |
| 14J | Further provisions relating to disclosure of record | 24 |
| 14K | Certain actions do not constitute disclosure | 24 |
| 14L | Offences relating to disclosure of records | 25 |
| 14M | Offences relating to publication of reports of proceedings or publication of records | 25 |
| 14N | Admissibility of accident or incident findings, recommendations, or report | 26 |
| 14O | Commission investigators not compellable to give opinion evidence in certain proceedings | 26 |
| 14P | No search warrant may be issued for record specified in section 14B(2) or section 14C(2) | 26 |
| 14Q | Disclosure of personal information under Privacy Act 1993 | 26 |

| | | |
|-----|--|----|
| 14R | Application of Official Information Act 1982 to record specified in section 14B(2) or section 14C(2) | 27 |
| 15 | Commission to complete certain former investigations [<i>Repealed</i>] | 27 |
| 16 | Amendment to Ombudsmen Act 1975 [<i>Repealed</i>] | 27 |
| | Schedule | 28 |
| | Provisions applying in relation to the Transport Accident Investigation Commission | |

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**

Title: substituted, on 10 September 1999, by section 2 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

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 1 September 1990.

**Part 1
Preliminary provisions**

Part 1 heading: inserted, on 10 September 1999, by section 3 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

2 Interpretation

In this Part, 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

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

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

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 7 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

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

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

Minister means the Minister of Transport

Secretary means the chief executive of the Ministry of Transport

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

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

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

Section 2 **accident**: substituted, on 1 April 1993, by section 2 of the Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112).

Section 2 **accident** paragraph (b): substituted, on 20 July 2005, by section 103(3) of the Railways Act 2005 (2005 No 37).

Section 2 **accident** paragraph (c): added, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2 **aeronautical product**: inserted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2 **Authority**: repealed, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2 **Civil Aviation Authority**: inserted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2 **Convention**: inserted, on 28 November 1991, by section 11(1) of the Civil Aviation Amendment Act 1991 (1991 No 116).

Section 2 **incident**: substituted, on 1 April 1993, by section 2 of the Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112).

Section 2 **incident** paragraph (b): substituted, on 20 July 2005, by section 103(3) of the Railways Act 2005 (2005 No 37).

Section 2 **incident** paragraph (c): added, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2 **Land Transport Authority**: substituted, on 1 December 2004, by section 19(1) of the Land Transport Management Amendment Act 2004 (2004 No 97).

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).

Section 2 **Maritime New Zealand**: inserted, on 1 July 2005, by section 11(3) of the Maritime Transport Amendment Act 2004 (2004 No 98).

Section 2 **maritime product**: inserted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2 **Maritime Safety Authority**: repealed, on 1 July 2005, by section 11(3) of the Maritime Transport Amendment Act 2004 (2004 No 98).

Section 2 **rail service vehicle**: repealed, on 20 July 2005, by section 103(3) of the Railways Act 2005 (2005 No 37).

Section 2 **Secretary**: substituted, on 1 April 1993, by section 2 of the Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112).

Section 2 **ship**: added, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2 **transport related thing**: added, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2 **transport related thing**: amended, on 20 July 2005, by section 103(3) of the Railways Act 2005 (2005 No 37).

Section 2 **warship**: added, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

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: inserted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Part 2 Transport Accident Investigation Commission

Part 2 heading: added, on 10 September 1999, by section 4 of the 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.

Section 3(2): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 3(3): substituted, on 25 January 2005, by section 200 of the 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.

Section 5(1): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 5(2): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 5(4): added, on 25 January 2005, by section 200 of the 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: inserted, on 1 April 1993, by section 4 of the Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112).

6 Commission responsible to Minister

[Repealed]

Section 6: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

6A Extra information to be included in statement of intent

- (1) The Commission must include, in its statement of intent under section 139 of the Crown Entities Act 2004, policies and priorities in exercising its discretion with respect to the investigation of accidents and incidents.

- (2) *[Repealed]*

Section 6A: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 6A(1): replaced, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 6A(2): repealed, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

7 Further provisions applying in relation to Commission

The provisions of the Schedule 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), 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).

Section 8(2)(f): substituted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

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

Section 8(2)(f): amended, on 1 July 2005, by section 11(3) of the Maritime Transport Amendment Act 2004 (2004 No 98).

Section 8(2)(f)(ii): amended, on 20 July 2005, by section 103(3) of the Railways Act 2005 (2005 No 37).

Section 8(3): added, on 25 January 2005, by section 200 of the 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.

Section 9(1): substituted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

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

Section 9(1)(b): amended, on 20 July 2005, by section 103(3) of the Railways Act 2005 (2005 No 37).

Section 9(1)(c): amended, on 1 July 2005, by section 11(3) of the Maritime Transport Amendment Act 2004 (2004 No 98).

Section 9(2): amended, on 1 April 1993, by section 6(2) of the Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112).

Section 9(3): added, on 20 August 1993, by section 35(1) of the 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 heading: amended, on 10 August 1992, by section 39 of the Civil Aviation Amendment Act 1992 (1992 No 75).

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

Section 10: amended, on 1 July 2005, by section 11(3) of the Maritime Transport Amendment Act 2004 (2004 No 98).

Section 10: amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 10: amended, on 20 August 1993, by section 35(1) of the Land Transport Act 1993 (1993 No 88).

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.

Section 11(2): substituted, on 25 January 2005, by section 200 of the 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) 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) 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) 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) 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) 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.

Section 12: substituted, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 12(1): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 12(1)(c): substituted, on 13 August 1996, by section 3 of the Transport Accident Investigation Commission Amendment Act 1996 (1996 No 92).

Section 12(1)(ca): added, as section 12(1)(d), on 13 August 1996, by section 3 of the Transport Accident Investigation Commission Amendment Act 1996 (1996 No 92).

Section 12(1)(ca) paragraph number: substituted on 3 June 1998, by section 2 of the Transport Accident Investigation Commission Amendment Act 1998 (1998 No 63).

12A Offences in respect of certain powers of investigation

- (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).
- (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); or

- (b) any transport related thing that the Commission has directed be taken to any place under section 12(1)(ca).
- (3) Every person who commits an offence against this section is liable on conviction to a fine not exceeding \$10,000.
- (4) A constable may arrest without warrant any person who the constable 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.

Section 12A: inserted, on 13 August 1996, by section 4 of the Transport Accident Investigation Commission Amendment Act 1996 (1996 No 92).

Section 12A(1): amended, on 3 June 1998, by section 3(1) of the Transport Accident Investigation Commission Amendment Act 1998 (1998 No 63).

Section 12A(2)(b): amended, on 3 June 1998, by section 3(2) of the Transport Accident Investigation Commission Amendment Act 1998 (1998 No 63).

Section 12A(4): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

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) *[Repealed]*
 - (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), the Minister has directed the Commission to undertake an investigation in respect of that accident or incident.
- (2) Notwithstanding subsection (1), 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) 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) 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); or
 - (b) where the accident is one that the Minister would direct the Commission to investigate under subsection (2) 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), **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: substituted, on 13 August 1996, by section 5 of the Transport Accident Investigation Commission Amendment Act 1996 (1996 No 92).

Section 13(1): amended, on 20 July 2005, by section 103(3) of the Railways Act 2005 (2005 No 37).

Section 13(1)(a): repealed, on 10 September 1999, by section 5 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

Section 13(3): amended, on 20 July 2005, by section 103(3) of the Railways Act 2005 (2005 No 37).

Section 13(4): amended, on 20 July 2005, by section 103(3) of the Railways Act 2005 (2005 No 37).

Section 13(5): amended, on 20 July 2005, by section 103(3) of the Railways Act 2005 (2005 No 37).

Section 13(6): amended, on 20 July 2005, by section 103(3) of the Railways Act 2005 (2005 No 37).

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

Section 13(7): amended, on 1 July 2005, by section 11(3) of the Maritime Transport Amendment Act 2004 (2004 No 98).

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), 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 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).

Section 14(3): amended, on 1 July 2005, by section 11(3) of the Maritime Transport Amendment Act 2004 (2004 No 98).

Section 14(3): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 14(3): amended, on 1 April 1993, by section 10(a) of the Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112).

Section 14(3)(c): amended, on 10 September 1999, by section 6(1) of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

Section 14(3)(d): added, on 10 September 1999, by section 6(2) of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

Section 14(3)(e): added, on 10 September 1999, by section 6(2) of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

Section 14(3A): inserted, on 10 September 1999, by section 6(3) of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

Part 3

Disclosure and admissibility of transport accident and incident investigation information

Part 3 heading: added, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

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 200A 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 or any of 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; and
- (f) an inquiry to which section 6 of the Inquiries Act 2013 applies.

Section 14A: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

Section 14A **proceedings** paragraph (a)(i): amended, on 1 July 2009, by section 81 of the Armed Forces Discipline Amendment Act (No 2) 2007 (2007 No 98).

Section 14A **proceedings** paragraph (e): amended, on 27 August 2013, by section 39 of the Inquiries Act 2013 (2013 No 60).

Section 14A **proceedings** paragraph (f): inserted, on 27 August 2013, by section 39 of the Inquiries Act 2013 (2013 No 60).

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.

Section 14B: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

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.

Section 14C: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

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.

Section 14D: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

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.

Section 14E: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

Section 14E(1): amended, on 2 October 2000, by section 240 of the Employment Relations Act 2000 (2000 No 24).

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.

Section 14F: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

Section 14F(1): amended, on 2 October 2000, by section 240 of the Employment Relations Act 2000 (2000 No 24).

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.

Section 14G: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

Section 14G(8): added, on 26 April 2005, by section 7 of the 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.

Section 14H: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

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.

Section 14I: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

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.

Section 14J: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

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).

Section 14K: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

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 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.

Section 14L: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

Section 14L(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

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 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.

Section 14M: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

Section 14M(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

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.

Section 14N: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

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.

Section 14O: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

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).

Section 14P: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

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).

Section 14Q: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

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).

Section 14R: inserted, on 10 September 1999, by section 7 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

15 Commission to complete certain former investigations

[Repealed]

Section 15: repealed, on 10 September 1999, by section 9 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

16 Amendment to Ombudsmen Act 1975

[Repealed]

Section 16: repealed, on 10 September 1999, by section 9 of the Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113).

s 7

Schedule
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.
Schedule clause 2: substituted, on 25 January 2005, by section 200 of the 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.
Schedule clause 3: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

- 4
[Repealed]
Schedule clause 4: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

- 5
[Repealed]
Schedule clause 5: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

- 6
[Repealed]
Schedule clause 6: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

7

[Repealed]

Schedule clause 7: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

8

[Repealed]

Schedule clause 8: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Members not personally liable

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

9

[Repealed]

Schedule clause 9: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Remuneration and expenses of Commission members

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

10

[Repealed]

Schedule clause 10: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Meetings

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

11

[Repealed]

Schedule clause 11: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

12

[Repealed]

Schedule clause 12: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

13

[Repealed]

Schedule clause 13: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

14

[Repealed]

Schedule clause 14: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

15

[Repealed]

Schedule clause 15: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

16

[Repealed]

Schedule clause 16: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Execution of documents

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

17

[Repealed]

Schedule clause 17: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

18

[Repealed]

Schedule clause 18: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

30

19

[Repealed]

Schedule clause 19: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**Administrative functions of Chief
Commissioner**

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

20

[Repealed]

Schedule clause 20: repealed, on 25 January 2005, by section 200 of the 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.

Schedule clause 21: amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

22

[Repealed]

Schedule clause 22: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Employees

[Repealed]

Heading: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

23

[Repealed]

Schedule clause 23: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

24

[Repealed]

Schedule clause 24: repealed, on 25 January 2005, by section 200 of the 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 1 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), 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.

Schedule clause 26: substituted, on 25 January 2005, by section 200 of the 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.

Schedule clause 27: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

32

28 Sections 74 to 76 of the Crown Entities Act 2004 apply to a delegation under clause 27, with all necessary modifications.
Schedule clause 28: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

29
[Repealed]
Schedule clause 29: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

30
[Repealed]
Schedule clause 30: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

31
[Repealed]
Schedule clause 31: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

32
[Repealed]
Schedule clause 32: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Crown entity
[Repealed]

Heading: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

33
[Repealed]
Schedule clause 33: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Annual report
[Repealed]

Heading: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

34

[Repealed]

Schedule clause 34: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Transport Accident Investigation Commission Amendment Act 1992

Public Act 1992 No 112
Date of assent 14 December 1992
Commencement see section 1(2)

1 Short Title and commencement

- (1) This Act may be cited as the Transport Accident Investigation Commission Amendment Act 1992, and shall be read together with and deemed part of the Transport Accident Investigation Commission Act 1990 (hereinafter referred to as “the principal Act”).
- (2) Except as provided in section 3(2), this Act shall come into force on 1 April 1993.

4 Appointment of assessors

- (1) *Amendment(s) incorporated in the Act(s).*
 - (2) Every appointment of an assessor made by or on behalf of the Commission before the commencement of this section is hereby declared to be and always to have been lawful, and no decision or act of the Commission shall be called into question by reason only that such an assessor was present at the meeting of the Commission that made the decision or authorised the act.
-

Transport Accident Investigation Commission Amendment Act 1999

Public Act 1999 No 113
Date of assent 9 September 1999
Commencement see section 1(2)

1 Short Title and commencement

- (1) This Act may be cited as the Transport Accident Investigation Commission Amendment Act 1999, and is part of the Transport Accident Investigation Commission Act 1990 (“the principal Act”).
- (2) This Act comes into force on the day after the date on which this Act receives the Royal assent.

Part 1

Amendments to principal Act

8 Savings provision

Nothing in this Act applies to—

- (a) an accident or incident that occurred before the date on which this Act comes into force; or
 - (b) any proceedings commenced before the date on which this Act comes into force.
-

Reprints notes

1 *General*

This is a reprint of the Transport Accident Investigation Commission Act 1990 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Inquiries Act 2013 (2013 No 60): section 39
Crown Entities Amendment Act 2013 (2013 No 51): section 72
Criminal Procedure Act 2011 (2011 No 81): section 413
Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)
Policing Act 2008 (2008 No 72): section 116(a)(ii)
Armed Forces Discipline Amendment Act (No 2) 2007 (2007 No 98): section 81
Coroners Act 2006 (2006 No 38): section 146
Railways Act 2005 (2005 No 37): section 103(3)
Relationships (Statutory References) Act 2005 (2005 No 3): section 7
Crown Entities Act 2004 (2004 No 115): section 200
Maritime Transport Amendment Act 2004 (2004 No 98): section 11(3)
Land Transport Management Amendment Act 2004 (2004 No 97): section 19(1)
Employment Relations Act 2000 (2000 No 24): section 240

Transport Accident Investigation Commission Amendment Act 1999 (1999 No 113)

Transport Accident Investigation Commission Amendment Act 1998 (1998 No 63)

Transport Accident Investigation Commission Amendment Act 1996 (1996 No 92)

Maritime Transport Act 1994 (1994 No 104): section 203

Land Transport Act 1993 (1993 No 88): section 35(1)

Transport Accident Investigation Commission Amendment Act 1992 (1992 No 112)

Civil Aviation Amendment Act 1992 (1992 No 75): section 39

Civil Aviation Amendment Act 1991 (1991 No 116): section 11(1)
