



By email

3 November 2015

Dear Families and Parties to the Fox Glacier ZK-EUF accident inquiry

I wanted to contact you personally now that the Transport Accident Investigation Commission has completed its review of the original Fox Glacier inquiry and published it, along with the independent review of investigation practice.

My fellow Commissioners and I are mindful of the grief that tragedies such as Fox Glacier cause families, those involved and wider communities. You have our sympathies. I regret any uncertainty that the review process may have caused you.

The Commission decided to review an inquiry for just the second time in its 25 years and 930+ inquiries completed. Despite no legal challenge or new evidence being offered up, we felt that it was appropriate in light of allegations made about the inquiry's conclusions and investigation practice. You have seen the reports and my lengthy remarks summarising the reviews, safety issues, and updating progress against our original recommendations. I am disappointed that some media coverage has lost sight of the substantive review findings which were reconfirmed (with some refinements) along with the safety issues and recommendations from the original. I do not want these to be lost in the discussion, particularly:

- Aircraft weight and balance were outside limits on multiple flights, with the flight crew never conducting calculations using actual weights.
- Regulatory oversight of aircraft modifications and changes of use, including the introduction to service of the accident aircraft for parachuting.
- The operator's compliance with civil aviation rules.
- The potential for cabin restraints to enhance parachuting safety.
- The need for regular validation of drop pilot skills.
- Cannabis use by some of the crew.

As I said last week, it is disappointing that we have been unable to establish the precise cause of the accident. I know that it is of little comfort to those looking for a definitive explanation. But I have to repeat and emphasise that this was the case from day one with the evidence available to this inquiry. In particular:

- The investigators were correct in their assessment of the control stick has having broken on impact. With hindsight holding more of the wreckage for longer would have helped forestall later criticisms, but the judgment to release it was open to the investigator on the day whose assessment of its evidential value has been upheld by external experts.
- A panel of experts methodically worked through the alternative theories raised after publication of the original inquiry report. They were unable to find evidence to support these.

I want to repeat the invitation made by the Commission's Chief Executive in her communications with you throughout the review process: Please get in touch through Peter Northcote (p.northcote@taic.org.nz) if you have any questions or comments in respect of the inquiry or process reviews, or even concerning our communications with you, and he will arrange a discussion or response. As I hope we have demonstrated throughout this process, we are always learning and looking to improve our practice. Dealing empathetically and evenly with families of diverse backgrounds and interests is a priority.

Thank you again for your patience, and any contributions you have made through both the original inquiry and the review. I hope it is of some comfort that the inquiry review has reaffirmed important safety issues which are now being acted upon. I also hope that the extensive work undertaken through the inquiry and process reviews has demonstrated the Commission's determination to do the best job it can to help improve transport safety.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'H. Cull', written in a cursive style.

Helen Cull QC
Chief Commissioner