



Transport Accident  
Investigation  
Commission

# **Briefing for the Incoming Minister** **He kōrero whakamārama mō te Minita**

**March 2025**



# About the Transport Accident Investigation Commission (TAIC)

## Te hanga nei, a Te Kōmihana Tirotiro Aituā Waka

### Who we are and what we do

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Our purpose is to improve transport safety

- TAIC is a standing commission of inquiry.
- We conduct independent, safety-focused, inquiries into certain accidents and incidents (occurrences) in the aviation, rail, and maritime modes.
- The purpose is to help avoid similar occurrences happening again, not to apportion blame or liability.

Our mission is *safer transport through investigation, learning and influence*

- Each inquiry has two broad, overlapping, phases:
    - Investigation – investigators gather and analyse evidence using delegated powers. The Commission directs the investigation.
    - Inquiry – the Commission considers evidence gathered by investigators, expert advice, and submissions from consulted people and organisations.
  - Our inquiries are in-depth and identify system-level safety issues. These safety issues can be deeply embedded within the processes or culture of an organisation or industry.
  - We aim to complete 70 per cent of inquiries within two years.
  - At the end of an inquiry, we publish a report containing findings and recommendations.
  - Our recommendations are not mandatory. We work to influence others to take safety actions.
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## Our legislation

The TAIC Act is our enabling legislation

- The Commission's enabling legislation is the Transport Accident Investigation Commission Act 1990 (the Act).
- We have the powers of a commission of inquiry under the Commissions of Inquiry Act 1908.

Our legislation gives effect to International Conventions

- Our form as a standing commission of inquiry, means New Zealand achieves its obligations under:
  - the Convention on International Civil Aviation (ICAO Convention) – Annex 13 relates to independent safety-focused aviation accident investigations.
  - the International Maritime Organization (IMO) and the International Convention for the Safety of Life at Sea (SOLAS) – the IMO's Maritime Casualty Investigation Code requires an independent body to investigate maritime occurrences to avoid further occurrences rather than to apportion blame or liability.

We are prohibited from disclosing evidence

- Evidence gathered has extensive legal protection from disclosure.
- None of the Commission's published findings, recommendations, or reports can be used in legal proceedings, except in a coronial inquest.
- Our independence and protection of evidence mean people can speak to us freely about what happened in an accident without fear of prosecution.

## ***Our place in the national and international transport system***

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We operate  
alongside other  
transport authorities  
in NZ

- TAIC operates alongside, but independently from other transport authorities, who may also investigate occurrences for different reasons.
- Regulators often focus on determining whether an operator has complied with regulations and, if not, to establish whether it should take enforcement action.
- Regulators may also be responsible for health and safety prosecutions under the Health and Safety at Work Act 2015.
- Coroners have an interest in transport accidents that result in fatalities.
- The New Zealand Police investigate an accident on behalf of the Coroner and may pursue a criminal inquiry.

We are part of a  
global network of  
transport accident  
investigation bodies

- The Commission is part of a global network of transport accident investigation bodies who meet their State's obligations to conduct independent investigations consistent with international treaties.
  - The Commission may support an international body's investigation of an event with a New Zealand connection.
  - In some circumstances an international body has a right to participate in a TAIC-led inquiry.
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# Strategy and organisational structure

## Rautaki me te ahurea whakahaerenga

### Organisational structure

We are an independent Crown entity

- As well as being a standing commission of inquiry, TAIC is an Independent Crown Entity under the Crown Entities Act 2004 (CEA).
- Commissioners act as board members for the purposes of the CEA.
- The Commission is funded through the Crown (\$8.725 million in 2024/25).

A small number of investigators and corporate staff support the Commission

- Under the CEA, the Commission must employ a chief executive.
- Currently, the chief executive has an establishment of 37 permanent staff to support the Commission, comprising:
  - 23 investigators, specialist staff and investigation support staff (including the Chief Investigator of Accidents/General Manager Investigation Services)
  - 11 corporate staff (including the Commission General Counsel/General Manager Business Services) to support the Commission's investigations and Crown entity accountability and governance functions
  - 3 Executive Services staff.

Other individuals and organisations also provide investigation and support services

- Suitably qualified individuals or institutions, including other state resources and international colleague agencies, provide some investigation support free under memoranda of understanding or fee-for-service contracts.
- As a small organisation, TAIC sometimes also contracts support functions from individuals or firms. Examples are information technology and medical advisory services.

## Strategy

TAIC contributes to the transport sector outcomes

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- We contribute to the transport sector outcomes of healthy and safe people, and economic prosperity.
  - Our recommendations are not mandatory. We achieve improvement in transport safety by influencing others to act.
  - We seek influence through rigorous investigation and inquiry, and transferring to others the knowledge they need to improve safety systems.
  - TAIC's strategic intentions are to:
    - be credible – maintain the highest standards in investigation process.
    - be accessible – maintain an accessible body of knowledge.
    - be ready – maintain readiness for a large-scale event.

Transport sector regulators report on their implementation of recommendations

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- The Commission directs many recommendations to regulators, who are often best placed to influence and act on the highly complex transport system.
  - TAIC's legislation places no obligation on the recipients of recommendations to report if, how, or when they intend to implement them.
  - As a matter of good practice, the transport sector regulators<sup>1</sup> voluntarily report to you each year their response to TAIC recommendations and progress in implementing the recommendations they have accepted.
  - TAIC collates this information on your behalf and publishes it on the TAIC website.
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<sup>1</sup> Maritime New Zealand, the Civil Aviation Authority, and Waka Kotahi New Zealand Transport Agency.

## Current matters Kaupapa i nāiane

## Inquiries of note

- [REDACTED]
- We aim, where possible, to complete an inquiry within two years, [REDACTED]

## Climate change and transport safety

- The Commission is giving close attention to the effects of weather on transport infrastructure, especially in rail. This is an emerging issue in the context of New Zealand's changing weather patterns and increasing frequency of extreme weather events.<sup>3</sup>

## Inquiries into Cook Strait ferries

- The Commission currently has two maritime inquiries involving Cook Strait ferries: one, the loss of power in Cook Strait of the passenger ferry *Kaitaki*; and the other, the grounding of the passenger and freight ferry, the *Aratere*. Both of these incidents were high-profile events.<sup>4</sup>

2. [REDACTED]

<sup>3</sup> RO-2021-104: Passenger train, derailment, Waikanae to Wellington, Kapiti line, 17 August 2021;  
RO-2021-106: Derailment of Train 220, South of Hunterville, 13 December 2021;

RO-2023-102: Freight Train, derailment, East Coast Main Trunk Line, near Te Puke, 29 January 2023

<sup>4</sup> MO-2023-201: Passenger vessel *Kaitaki*, Loss of power, Cook Strait, New Zealand, 28 January 2023;

MO-2024-204: Passenger and freight Ferry, *Aratere*, Grounding, Titoki Bay, Picton, 21 June 2024



## **The Watchlist**

The Watchlist communicates information about safety issues of greatest concern to the Commission

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- The Watchlist highlights the Commissions greatest transport safety concerns. Topics may cover social, economic or environmental risk; or systemic transport safety risks.
  - The Watchlist is reviewed every two years. The safety issues on *Watchlist 2024* are listed below. More detail is on our website [here](#).
    - Technologies to track and to locate
    - Recreational boat users: essential skills and knowledge
    - Recreational boat users: impairment from substance use
    - Robinson helicopters
    - The road-rail interface
    - Safety for workers in the rail corridor
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# Relationship with Minister responsible for TAIC

## Whakawhanaunga ki ngā Minita

The Commission maintains a 'no surprises' relationship with the Minister responsible for TAIC, consistent with statutory independence

- The Commission maintains a 'no surprises' relationship with the Minister responsible for TAIC, consistent with statutory independence.
- This includes:
  - accountability reporting as per CEA requirements
  - six-monthly progress report against the *Statement of Performance Expectations*
  - regular meetings of the Chief Commissioner with the responsible Minister
  - briefings to the responsible Minister about significant recent or forthcoming activity to the extent we are able bearing in mind our confidentiality obligations under the TAIC Act.

Notification of inquiries launched

- The Chief Investigator of Accidents notifies stakeholders, including your office, by email, when the Commission has launched an inquiry.
- In most circumstances, the Commission does not contact your office again until the inquiry report is released.

We are restricted in what we can tell you

- The evidence protection regime means we are unable to inform you about the detail of specific investigations until the publication of the Commission report.

You receive early advice of the release of a report

- Your office receives early advice of the release of a report (including all materials) and is briefed on the release process. Usually, the release of a report involves publication on the Commission's website.
- Where inquiries have generated public interest, we may hold a press conference.

The Commission generally deals with media inquiries about investigations

- Ministers usually maintain an arm's length from the Commission's inquiries and respond to any media inquiries by noting that an independent body, the Commission, is investigating.

## Appendix 1 Commission contact

### Chief Commissioner: David Clarke



David is a senior lawyer with 27 years of legal professional experience that includes litigation, and corporate and commercial advice for private and listed company boards and public entities. David brings over 20 years' experience in governance roles in the commercial, public and charitable sectors, including in Chair, finance and audit and risk roles.

David was appointed to the Commission in December 2022, expiring 30 November 2025.

### Chief Executive: Martin Sawyers



Martin leads the organisation to support the Commissioners in the delivery of their statutory purpose, which is to help improve transport safety. Martin has extensive legal and senior management experience in the private and public sectors. He comes to TAIC from being Chief Executive and Registrar of the Plumbers, Gasfitters and Drainlayers Board. Prior to that he was General Counsel and Manager of Corporate Services for the Real Estate Agents Authority and also previously managed legal operations at the Department of Corrections. Martin also brings significant governance experience from his years as Mayor of Buller District Council, Chair of an Electricity Lines Company and Deputy Chair of a State Owned Enterprise.