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## Providing evidence to a TAIC inquiry

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**The Transport Accident Investigation Commission (TAIC) will open an inquiry into a marine, rail or air accident or incident when it believes lessons or recommendations to help improve transport safety might come from the investigation.**

The Commission's job is to explain – it is not to lay blame.

A Commission inquiry is legally separate from any other authority's investigation of the same event for different purposes, such as by a transport regulator or the NZ Police.

The evidence the Commission gathers (including witness interviews) is protected from general disclosure except for the purposes of the investigation (which might include information from an interview appearing in a published report).

The Commission's reports cannot be used in regulatory, criminal or civil proceedings (although they may be produced to assist a Coroner's inquest).

These protections make it easier for people and organisations to contribute freely and frankly to a Commission inquiry.

**You might have evidence that will be useful to a Commission inquiry, which may help prevent a similar event in the future. You may be asked for an interview, or to produce documentary or physical evidence.**

The Commission's investigators should present their identification to you and explain the key points of this pamphlet to you, or give you an opportunity to read it, before first interviewing you.

Interviews are usually run as guided discussions. The investigator will help you recall and describe your background relevant to the event, and what happened before, during and after the event. You are welcome to have a support person with you, but they cannot join in the discussion and should not be another witness.

Interviews are usually recorded to help ensure accuracy and to let the interviewer concentrate on what is being said rather than on note-taking.

If your interview is particularly significant to the inquiry you may be offered a record of the interview (either electronically, or as a transcript, or as summary notes) and asked to confirm it. You may ask for a copy of the sound file or any summary notes. You may clarify or add to what you have said at any time.

You cannot disclose any evidence which the investigator shares with you to any other person without permission.

You may provide the same information which you have given to the Commission to others as you choose.

You should be offered a receipt for any original documents or physical evidence which you provide to an investigator.

Any refusal to assist a Commission inquiry may result in the issue of a summons. Failure to comply with a summons is an offence.

**The Commission's final published inquiry report will: set out the facts of the event, analyse them, identify the contributing factors, identify the safety lessons, note safety actions taken since the event, and recommend anything else that might help to reduce the chances of something similar happening again.**

Witnesses (and event participants) are mentioned by role (not name) when necessary for an inquiry report. Similarly, 'who said what' and direct quotes are only included when essential.

If you had a role in events that are found to have been central to what happened then you will be given the opportunity to comment on a confidential and legally protected draft inquiry report. TAIC will consider any comments you make when finalising its inquiry and report.

The Commission may issue urgent safety recommendations before an inquiry is completed and its report published.

When finalising reports the Commissioners consider: the work of the investigation team, expert advice to the investigation team, expert advice the Commission may get directly, and the submissions of consulted people and organisations.

On rare occasions - for reasons such as the gravity, complexity or contentious nature of an inquiry - the Commission may hold private or public hearings, including to take evidence or to consider submissions on the draft report.

An inquiry might take a year or more from the event to publication of the final report. An inquiry's earliest expected completion date is kept up to date under "Current Inquiries" at [www.taic.org.nz](http://www.taic.org.nz).

**The Commission is a standing Commission of Inquiry and an independent Crown entity.**

It has powers under the Transport Accident Investigation Commission Act 1990 and the Commissions of Inquiry Act 1908, including significant powers relating to entry of premises and the gathering and control of evidence (although they may not enter a private home or marae without invitation or a court-issued warrant).

The Commission is usually made up of three (but may be up to five) members appointed by the Governor-General on the recommendation of the Minister of Transport.

It employs a chief executive who in turn employs a staff of about 20, of which about half are investigators headed by a Chief Investigator of Accidents.

It is part of the transport sector but completely independent of other public sector organisations and the Government in the conduct of its inquiries.

The Commission's legal framework and working practices are designed to be consistent with international obligations and standards for safety-focused investigation of significant transport accidents or incidents.

Please visit [www.taic.org.nz](http://www.taic.org.nz) for more general information. If you have questions or concerns at any time about the inquiry you are assisting then please contact the interviewing investigator or the Chief Investigator of Accidents.

**Transport Accident Investigation Commission**  
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