



New Zealand

Annex Reference	AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION Standard or Recommended Practice	State Legislation, Regulation or Document Reference	Level of implementation of SARP's	Text of the difference to be notified to ICAO	Comments including the reason for the difference
Chapter 4 Reference 4.1 Standard	<p>CHAPTER 4. NOTIFICATION</p> <p><i>Note 1.— Attachment B provides a notification and reporting checklist.</i></p> <p><i>Note 2.— A list of addresses of aircraft accident investigation authorities can be found in the Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part I – Organization and Planning and on the ICAO Accident Investigation website.</i></p> <p>Accidents or Incidents in the Territory of a Contracting State to aircraft of another Contracting State</p> <p>RESPONSIBILITY OF THE STATE OF OCCURRENCE</p> <p>Forwarding</p> <p>4.1 The State of Occurrence shall forward a notification of an accident, a serious incident, or an incident to be investigated within the context of this Annex, with a minimum of delay and by the most suitable and quickest means available, to:</p> <p>a) the State of Registry;</p> <p>b) the State of the Operator;</p>	CAA Intelligence, Risk and Safety Analysis Unit (ISRAU) Procedures.	Less protective or partially implemented or not implemented	USOAP CMA audit, 2016, PQ finding 6.311 refers. The procedure was found deficient in that it did not include notifications to ICAO when appropriate.	



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	<p>c) the State of Design;</p> <p>d) the State of Manufacture; and</p> <p>e) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2 250 kg or is a turbojet-powered aeroplane.</p> <p>However, when the State of Occurrence is not aware of a serious incident, or an incident to be investigated, the State of Registry or the State of the Operator, as appropriate, shall forward a notification of such an incident to the State of Design, the State of Manufacture and the State of Occurrence.</p> <p><i>Note 1.— Telephone, facsimile, e-mail or the Aeronautical Fixed Telecommunication Network (AFTN) will in most cases constitute “the most suitable and quickest means available”. More than one means of communication may be appropriate.</i></p> <p><i>Note 2.— Provision for the notification of a distress phase to the State of Registry by the rescue coordination centre is contained in Annex 12— Search and Rescue.</i></p>				



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Chapter 4 Reference 4.8 Standard	<p>Accidents or Incidents in the Territory of the State of Registry, in a Non-Contracting State or Outside the Territory of Any State</p> <p>RESPONSIBILITY OF THE STATE OF REGISTRY</p> <p><i>Forwarding</i></p> <p>4.8 When the State of Registry institutes the investigation of an accident or incident, that State shall forward a notification, in accordance with 4.2 and 4.3 above, with a minimum of delay and by the most suitable and quickest means available, to:</p> <ul style="list-style-type: none"> a) the State of the Operator; b) the State of Design; c) the State of Manufacture; and d) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2 250 kg or is a turbojet-powered aeroplane. <p><i>Note 1.— Telephone, facsimile, e-mail or the Aeronautical Fixed Telecommunication Network (AFTN) will in most cases constitute “the most suitable and quickest means available”. More than one means of communication may be appropriate.</i></p> <p><i>Note 2.— Provision for the notification of a distress</i></p>	CAA ISRAU Procedures.	Less protective or partially implemented or not implemented	The ICAO criterion is not incorporated in the relevant procedure.	Subject of USOAP CMA audit PQ finding 6.319.



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	<i>phase to the State of Registry by the rescue coordination centre is contained in Annex 12 – Search and Rescue.</i>				
Chapter 5 Reference 5.4.1 Standard	<p>5.4.1 Any investigation conducted in accordance with the provisions of this Annex shall be separate from any judicial or administrative proceedings to apportion blame or liability.</p> <p><i>Note.— Separation can be achieved by the investigation being conducted by State accident investigation authority experts, and any judicial or administrative proceedings being conducted by other appropriate experts. Coordination, as per 5.10, between the two processes would likely be required at the accident site and in the gathering of factual information, with due consideration to the provisions in 5.12.</i></p>	TAIC Act 1990 s4; CAR 12.63; CAA SIU Procedures.	Less protective or partially implemented or not implemented	Independence is not guaranteed in the case of a CAA investigation.	



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Chapter 5 Reference 5.9.1 Recommendation	<p>Medical examinations</p> <p>5.9.1 Recommendation.— <i>When appropriate, the State conducting the investigation should arrange for medical examination of the crew, passengers and involved aviation personnel, by a physician, preferably experienced in accident investigation. These examinations should be expeditious.</i></p> <p><i>Note 1.— Such examinations may also determine whether the level of physical and psychological fitness of flight crew and other personnel directly involved in the occurrence is sufficient for them to contribute to the investigation.</i></p> <p><i>Note 2.— The Manual of Civil Aviation Medicine (Doc 8984) contains guidance on medical examinations.</i></p>	TAIC Act 1990, CA Act 1990.	Less protective or partially implemented or not implemented	Not specifically provided for.	Reliant on voluntary compliance.



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Chapter 5 Reference 5.12 Standard	<p><i>Protection of accident and incident investigation records</i></p> <p>5.12 The State conducting the investigation of an accident or incident shall not make the following records available for purposes other than accident or incident investigation, unless the competent authority designated by that State determines, in accordance with national laws and subject to Appendix 2 and 5.12.5, that their disclosure or use outweighs the likely adverse domestic and international impact such action may have on that or any future investigations:</p> <ul style="list-style-type: none"> a) cockpit voice recordings and airborne image recordings and any transcripts from such recordings; and b) records in the custody or control of the accident investigation authority being: <ul style="list-style-type: none"> 1) all statements taken from persons by the accident investigation authority in the course of their investigation; 2) all communications between persons having been involved in the operation of the aircraft; 3) medical or private information regarding persons involved in the accident or incident; 4) recordings and transcripts of recordings from air traffic control units; 5) analysis of and opinions about information, including flight recorder information, made by the accident investigation authority and accredited representatives in relation to the 	TAIC Act 1990 Part 3; CAA SIU Procedures.	Less protective or partially implemented or not implemented	Protection is afforded to TAIC investigation material (except for e)) under the TAIC Act; no such protection is available for material held by CAA.	



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	<p>accident or incident; and</p> <p>6) the draft Final Report of an accident or incident investigation.</p>				
<p>Chapter 5</p> <p>Reference 5.16</p> <p>Standard</p>	<p>RESPONSIBILITY OF THE STATE OF REGISTRY AND THE STATE OF THE OPERATOR</p> <p><i>Flight recorders – Accidents and serious incidents</i></p> <p>5.16 When an aircraft involved in an accident or a serious incident lands in a State other than the State of Occurrence, the State of Registry or the State of the Operator shall, on request from the State conducting the investigation, furnish the latter State with the flight recorder records and, if necessary, the associated flight recorders.</p> <p><i>Note.— In implementing 5.16, the State of Registry or the State of the Operator may request the cooperation of any other State in the retrieval of the flight recorder records.</i></p>	CAR 12.103. TAIC procedures.	Less protective or partially implemented or not implemented	No authority exists for investigation agencies in New Zealand to seize such flight recorders or flight recorder records. All practicable steps will be taken, however, to assist the investigating State.	



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Chapter 5 Reference 5.26 Standard	<p>Obligations</p> <p>5.26 Accredited representatives and their advisers:</p> <p>a) shall provide the State conducting the investigation with all relevant information available to them; and</p> <p>b) shall not divulge information on the progress and the findings of the investigation without the express consent of the State conducting the investigation.</p> <p><i>Note.— Nothing in this Standard precludes prompt release of facts when authorized by the State conducting the investigation, nor does this Standard preclude accredited representatives from reporting to their respective States in order to facilitate appropriate safety actions.</i></p>	TAIC Act 1990 s14(2); TAIC MAIM; CAA SIU Procedures.	Less protective or partially implemented or not implemented	No absolute guarantee can be given that the information required can be provided to other States.	All practicable steps will be taken, however, to assist the investigating State.



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Chapter 6 Reference 6.3 Standard	<p>RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION</p> <p>Consultation</p> <p>6.3 The State conducting the investigation shall send a copy of the draft Final Report to the following States inviting their significant and substantiated comments on the report as soon as possible:</p> <ul style="list-style-type: none"> a) the State that instituted the investigation; b) the State of Registry; c) the State of the Operator; d) the State of Design; e) the State of Manufacture; and f) any State that participated in the investigation as per Chapter 5. <p>The usual consultation period shall be thirty days from the date of the transmittal correspondence. The consultation period shall be extended to sixty days by the State conducting the investigation if it is notified of the need for additional time by the State invited to comment. If the State conducting the investigation receives comments within the consultation period, it shall either amend the draft Final Report to include the substance of the comments received or, if desired by the State that provided comments, append the comments to the Final Report. If the State conducting the investigation receives no comments within the consultation period, it shall</p>	TAIC Inquiry Protocols -Natural Justice TAIC Act s14 (5)	Different in character or other means of compliance	TAIC Inquiry Protocols state- Generally, the Draft Report goes out for comment for 21 calendar days (three weeks). Longer timeframes may be appropriate if there are international Interested Parties and protocols in international instruments apply, or if there are difficulties in Interested Party access to the report or the need for translation. Interested Parties may request extensions.	



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	<p>issue the Final Report in accordance with 6.4, unless further extension of that period has been agreed by the States concerned.</p> <p><i>Note 1.— Nothing in this Standard is intended to preclude the State conducting the investigation from consulting other States, such as those States which provided relevant information, significant facilities, or experts who participated in the investigation under 5.27.</i></p> <p><i>Note 2.— Comments to be appended to the Final Report are restricted to non-editorial-specific technical aspects of the Final Report upon which no agreement could be reached.</i></p> <p><i>Note 3.— When sending the draft Final Report to recipient States, the State conducting the investigation may consider using the most suitable and quickest means available, such as facsimile, e-mail, courier service or express mail.</i></p> <p><i>Note 4.— Intended safety recommendations are to be included in the draft Final Report.</i></p>				
Chapter 7 Reference 7.3 Standard	<p>Language</p> <p>7.3 The Preliminary Report shall be submitted to appropriate States and to the International Civil Aviation Organization in one of the working languages of ICAO.</p>	No specific reference.	Less protective or partially implemented or not implemented	USOAP CMA PQ finding 6.433 refers: The State does not and has not systematically submitted the necessary data reports to ICAO.	All reports are submitted in English (de facto official language of New Zealand).



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Chapter 7 Reference 7.5 Standard	<p>ACCIDENT/INCIDENT DATA REPORT</p> <p>RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION</p> <p><i>Accidents to aircraft over 2 250 kg</i></p> <p>7.5 When the aircraft involved in an accident is of a maximum mass of over 2 250 kg, the State conducting the investigation shall send, as soon as practicable after the investigation, the Accident Data Report to the International Civil Aviation Organization.</p>	CAA SIU Procedures.	Less protective or partially implemented or not implemented	USOAP CMA PQ finding 6.433 refers: The State does not and has not systematically submitted the necessary data reports to ICAO.	
Chapter 7 Reference 7.6 Recommendation	<p><i>Additional information</i></p> <p>7.6 Recommendation.— <i>The State conducting the investigation should, upon request, provide other States with pertinent information additional to that made available in the Accident/Incident Data Report.</i></p>	CAA SIU Procedures.	Less protective or partially implemented or not implemented	Not specifically provided for.	Information will normally be provided on request unless there is a valid reason for not doing so.



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Chapter 7 Reference 7.7 Standard	<p><i>Incidents to aircraft over 5 700 kg</i></p> <p>7.7 If a State conducts an investigation into an incident to an aircraft of a maximum mass of over 5 700 kg, that State shall send, as soon as is practicable after the investigation, the Incident Data Report to the International Civil Aviation Organization.</p> <p><i>Note.— The types of incidents which are of main interest to the International Civil Aviation Organization for accident prevention studies are listed in Attachment C.</i></p> <hr style="width: 20%; margin-left: auto; margin-right: auto;"/>	CAA SIU Procedures.	Less protective or partially implemented or not implemented	USOAP CMA PQ finding 6.433 refers: The State does not and has not systematically submitted the necessary data reports to ICAO.	
Chapter 8 Reference 8.3 Standard	<p>8.3 In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies. If safety recommendations are addressed to an organization in another State, they shall also be transmitted to that State's accident investigation authority.</p>	CAA Policies and Procedures.	Less protective or partially implemented or not implemented	Not specifically provided for.	

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