

# Investigations - Operational Policy

## 1. Purpose

The purpose of the Investigation Policy is to provide clarity as to why we carry out investigations and the approach we take.

## 2. Scope

The Civil Aviation Authority (CAA) undertakes investigations in its capacity as New Zealand's responsible civil aviation safety and security authority. Our investigations are conducted under the Civil Aviation Act 2023<sup>1</sup> (the Act), and our designations to perform functions and powers under:

- the Health and Safety at Work Act 2015 (HSWA) for the aviation sector, and
- the Hazardous Substances and New Organisms Act 1996 for hazardous substances in or on civilian aircraft.

This policy applies to all CAA staff involved in investigations.

The following matters are out of scope:

- Investigation of the medical condition of a licence holder<sup>2</sup>, which are covered in the Medical Investigation Operational Policy.
- Using investigation outputs to make decisions on administrative and enforcement action, which is covered in the Regulatory Decisions Policy and relevant policies and procedures.
- Investigations into complaints made against CAA staff, and internal HR investigations.

## 3. Definitions

**Occurrence:** an accident as defined in section 6 of the Act (in summary, an occurrence in the course of operating an aircraft where a person is fatally or seriously injured, the aircraft sustains significant damage or structural failure, or is missing or completely inaccessible) or incident as defined in section 5 of the Act (any occurrence, other than an accident, that is associated with the operation of an aircraft and affects, or could affect, the safety of operation). Occurrence is defined in Part 12 of the Civil Aviation Rules, Accidents, Incidents, and Statistics, which also includes requirements for participants to notify CAA of occurrences.

<sup>1</sup> Refer section 32, Functions and powers of Director, clauses (c) and (d).

<sup>2</sup> Refer Schedule 2, Medical Certificates – sections 10 and 11.

**Participant:** an aviation participant as defined in section 5 of the Act (a person who operates, maintains, services, or does any other act in respect of an aircraft, aerodrome, or aeronautical product; or provides an aviation-related service).

**Regulatory system:** a set of formal and informal rules and guidance, given effect through the actions and practices of regulators, that shape people's behaviour for a broad purpose. CAA is responsible for regulating New Zealand's civil aviation system, which encompasses all commercial, general and adventure aviation and related services.

## 4. Our role – why we investigate

- 4.1 We investigate to find out what happened and why, and to help us decide if anything needs to be done to achieve our statutory purpose: to facilitate the operation of a safe and secure civil aviation system<sup>3</sup>.
- 4.2 Our investigations are structured, purposeful processes of enquiry that help us to:
  - better understand safety and security performance of the civil aviation sector
  - establish the facts and causes relating to occurrences or patterns of occurrences
  - determine the nature and extent of any safety or security risk, including issues and risks that require an immediate or urgent response
  - identify any contraventions of the legislation we administer.
- 4.3 Investigations are an integral part of our broader regulatory effort. Outcomes that are informed by investigations include:
  - identifying and, where appropriate, eliminating or mitigating risks in the civil aviation system or requiring participants to do so
  - determining if improvements need to be made to the regulatory system, through legislative or practice change
  - outreach and other educational programs to share safety information and enable participants to better understand risks and their responsibilities
  - taking administrative action (see [Administrative Action – Operational Policy](#))
  - holding participants to account where it is in the public interest to do so (see [Regulatory Enforcement Policy](#)).

## 5. What we investigate

- 5.1 We investigate in response to occurrences or non-compliance (single events and patterns),

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<sup>3</sup> Refer the Act, section 3, Main purpose.

and proactively where we identify current and emerging aviation risks. We receive information we may investigate from a range of sources, including:

- sector reporting (i.e. a notification of an occurrence under the Civil Aviation Rules Part 12)
- referral from other CAA regulatory activity or our own intelligence
- participants and members of the public
- open-source information, and/or
- referral from another agency.

5.2 Noting that we cannot respond to everything, use of our investigation resources is based on intelligence-led, risk-based prioritisation to achieve the best results from a system perspective. Prioritisation is supported by our triage processes, in consultation with internal experts, and in line with our regulatory decision-making model set out in the Regulatory Decisions policy.

5.3 Where we choose not to investigate, the information we receive is recorded and shared internally. It may be used to support priority setting and our ongoing responses to risk, including through inspection and monitoring, issuing improvement notices, and future investigations (if the information is part of an emerging pattern or theme of risk or non-compliance).

## **6. CAA and other agencies may conduct joint or parallel investigations**

6.1 CAA and TAIC may undertake independent but concurrent investigations of accidents and serious incidents.

6.2 TAIC meets New Zealand's international obligations under the ICAO Convention Annex 13 to have an independent body responsible for aviation safety investigations. TAIC's principal purpose is to determine the circumstances and causes of accidents and incidents that are likely to have significant implications for transport safety and avoiding similar occurrences in the future. TAIC may make recommendations, including to CAA.

6.3 In contrast, CAA's investigative function is broader as it informs regulatory decision-making that supports our legislated purpose of facilitating a safe and secure civil aviation system. Investigations can and do inform all our regulatory functions to achieve the outcomes set down in 4.2.

6.4 Other agencies including WorkSafe, the NZ Police (primarily in their capacity as agents for the Coroner where there has been a fatality) and the Environmental Protection Authority may conduct investigations jointly or in parallel with CAA.

6.5 In these circumstances, we will engage early with other agencies to establish how we can work together on technical and operational matters and confirm information sharing

arrangements (covered in detail in our Memoranda of Understanding with these agencies).

## 7. How we investigate – guiding principles

7.1 The following principles guide our investigations:

7.1.1 **Open-minded and fair:** We approach investigations with an open mind and commence investigations without predetermination of potential outcomes. This enables our investigations to focus on what occurred and why. We carry out investigations in good faith, using our investigative powers consistently and reasonably. We observe the principles of natural justice and ensure that participants are given the opportunity to be heard in relation to investigation findings before decisions are made.

7.1.2 **Proportionate and timely:** We ensure our investigative responses (including decisions on whether to investigate) are proportionate to the nature of an occurrence, evident aviation risk, participant conduct and potential safety and security outcomes. Our investigations are concluded promptly so that safety and security outcomes can be expedited.

7.1.3 **Expert-informed:** We use internal and external experts to support and guide our investigations where appropriate. In significant and complex investigations (for example, where there is complexity in determining the facts, or HSWA causation issues) we involve external expertise early and on an ongoing basis.

7.1.4 **Transparent and collaborative:** We are clear with others about when, why and under what authority we are using our investigative powers. Throughout our investigations, we prioritise effective communication with everyone involved (including other agencies, participants and victims), ensuring they are kept informed of progress, timelines and decisions as appropriate. We are respectful and professional in our interactions.

7.1.5 **Considerate and compassionate:** Aviation accidents have far-reaching consequences for those directly affected, their families and communities. We act in a way that is considerate of those affected, and culturally respectful. We treat victims, their families and communities with care, in a way that's consistent with our legal responsibilities to them.

7.2 How we investigate is further set out in a suite of procedures detailing our investigative processes, supported by protocols and good practice guidance material.

## 8. Investigation outcomes and decision-making

8.1 Investigations result in advice to decision-makers that focuses on facts, causes, insights and evidence-based response options.

8.2 Decisions on investigation outcomes are made by appropriate decision-makers in line with our Regulatory Decisions Policy and relevant policies and procedures for specific actions.

8.3 Multiple outcomes are possible over the course of an investigation, including where we take timely action to address risk: for example, when investigations identify immediate or imminent exposure to harm, we may use our statutory powers to eliminate or mitigate

further risk.

8.4 We use our sector engagement and communication channels to promptly share insights from our investigations.

## **9. Investigation closure and review**

9.1 We close investigations when we decide the purpose has been achieved or when further investigation won't achieve the purpose. We can reopen investigations at any time: for example, if we get further information or if a closed investigation is part of an emerging pattern or theme of risk or non-compliance.

9.2 When we close an investigation, we ensure we have recorded all facts, causes and insights, the rationale for investigation closure and any investigation outcome. We review the way we investigated and investigation outcomes where we are likely to identify lessons learned for future practice. We are flexible in how we undertake reviews, so they are proportionate to their potential impact on safety and security outcomes.

## **10. Measure of effectiveness**

10.1 CAA's quality assurance and control processes assess our adherence to this policy to ensure that the principles and the approaches in it are being adopted.

10.2 The overall effect of our Investigation function is captured in our Statement of Performance Expectations, that stipulates how these activities are measured against performance targets.

10.3 Insights gained through our monitoring and intelligence activities will assist us in assessing the effectiveness of our Investigation function.

## **11. Document control**

<b>Title</b>	Investigations - Operational Policy
<b>Effective date</b>	26/06/2025
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<b>Revision</b>	1.0
<b>Review date</b>	26/06/2028
<b>InfoHub ID</b>	63739479

<b>Revision</b>	<b>Date</b>	<b>Description of change</b>
1.0	26/06/2025	Creation of policy.