



Report on entire Annex

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
<p>Chapter 1 Reference</p> <p>Definition</p>	<p style="text-align: center;">INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES</p> <p style="text-align: center;">CHAPTER 1. DEFINITIONS</p> <p>When the following terms are used in the Standards and Recommended Practices for Aircraft Accident and Incident Investigation, they have the following meanings:</p> <p>Accident. An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:</p> <p style="margin-left: 40px;">a) a person is fatally or seriously injured as a result of:</p> <ul style="list-style-type: none"> — being in the aircraft, or — direct contact with any part of the aircraft, including parts which have become detached from the aircraft, <p>or</p> <ul style="list-style-type: none"> — direct exposure to jet blast, <p><i>except</i> when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew;</p>	<p>Civil Aviation Act (CA Act) 1990; Civil Aviation Rules (CAR). Part 1, Definitions and Abbreviations.</p>	<p>Less protective or partially implemented or not implemented</p>	<p>Reference to unmanned aircraft is not yet included.</p>	<p>The Civil Aviation Bill (updating aviation legislation) definition aligns with the Annex 13 definition, although the implementation time frame is unknown - possibly late 2020. The CA Act, CARs and Advisory Circulars are available on the CAANZ website, www.caa.govt.nz.</p>



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	<p>or</p> <p>b) the aircraft sustains damage or structural failure which:</p> <ul style="list-style-type: none"> — adversely affects the structural strength, performance or flight characteristics of the aircraft, and — would normally require major repair or replacement of the affected component, <p><i>except</i> for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windcreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or</p> <p>c) the aircraft is missing or is completely inaccessible.</p> <p><i>Note 1.— For statistical uniformity only, an injury resulting in death within thirty days of the date of the accident is classified, by ICAO, as a fatal injury.</i></p> <p><i>Note 2.— An aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located.</i></p> <p><i>Note 3.— The type of unmanned aircraft system to be investigated is addressed in 5.1.</i></p> <p><i>Note 4.— Guidance for the determination of aircraft damage can be found in Attachment E.</i></p>				



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Chapter 1 Reference Definition	Accident investigation authority. The authority designated by a State as responsible for aircraft accident and incident investigations within the context of this Annex.	Transport Accident Investigation Commission Act (TAIC Act) 1990.	Less protective or partially implemented or not implemented	Not specifically defined, but in terms of the definition, the accident investigation authority is the Transport Accident Investigation Commission, established under the TAIC Act 1990.	Note: Annex 13 is administered by the Civil Aviation Authority of New Zealand. The TAIC Act 1990 is available on the New Zealand Legislation web site, http://www.legislation.govt.nz .
Chapter 1 Reference Definition	Accredited representative. A person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. Where the State has established an accident investigation authority, the designated accredited representative would normally be from that authority.	CARs.	Less protective or partially implemented or not implemented	Not specifically defined.	
Chapter 1 Reference Definition	Adviser. A person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation.	TAIC MAIM Section A1.	No Difference		
Chapter 1 Reference Definition	Aircraft. Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.	CA Act 1990 s2; CAR Part 1.	No Difference		



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Chapter 1 Reference Definition	Causes. Actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident. The identification of causes does not imply the assignment of fault or the determination of administrative, civil or criminal liability.	CARs.	Less protective or partially implemented or not implemented	Not specifically defined.	
Chapter 1 Reference Definition	Contributing factors. Actions, omissions, events, conditions, or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification of contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.	CARs.	Less protective or partially implemented or not implemented	Not specifically defined.	Note; contributing factors are routinely considered in investigations.
Chapter 1 Reference Definition	Flight recorder. Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation. <i>Automatic deployable flight recorder (ADFR).</i> A combination flight recorder installed on the aircraft which is capable of automatically deploying from the aircraft. <i>Note.— See Annex 6 — Operation of Aircraft, Parts I, II and III, for specifications relating to flight recorders.</i>	CARs.	Less protective or partially implemented or not implemented	Not specifically defined, but the requirements are detailed in CARs 121.371, 121.372, 125.367, and 125.369.	Common usage term.
Chapter 1 Reference Definition	Incident. An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation. <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>	CAR Part 1.	No Difference		



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Chapter 1 Reference Definition	Investigation. A process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations.	CAR Part 1.	Less protective or partially implemented or not implemented	Not specifically defined.	
Chapter 1 Reference Definition	Investigator-in-charge. A person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation. <i>Note.— Nothing in the above definition is intended to preclude the functions of an investigator-in-charge being assigned to a commission or other body.</i>	CARs.	Less protective or partially implemented or not implemented	Not specifically defined.	Common usage term in the Annex sense.
Chapter 1 Reference Definition	Maximum mass. Maximum certificated take-off mass.	CAR Part 1.	Different in character or other means of compliance	Maximum mass is referred to as "Maximum certificated take-off weight".	
Chapter 1 Reference Definition	Operator. The person, organization or enterprise engaged in or offering to engage in an aircraft operation.	CA Act 1990 s2; CAR Part 1.	No Difference		Note: "operate".



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Chapter 1 Reference Definition	Preliminary Report. The communication used for the prompt dissemination of data obtained during the early stages of the investigation.	CARs.	Less protective or partially implemented or not implemented	Not specifically defined.	Common usage term in the Annex sense.
Chapter 1 Reference Definition	Safety recommendation. A proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies.	CARs.	Less protective or partially implemented or not implemented	Not specifically defined.	
Chapter 1 Reference Definition	Serious incident. An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down. <i>Note 1.— The difference between an accident and a serious incident lies only in the result.</i> <i>Note 2.— Examples of serious incidents can be found in Attachment C.</i>	CAR Part 1; CAR Part 12.	Different in character or other means of compliance	The CARs define a serious incident as "an incident involving circumstances indicating that an accident nearly occurred." Whether the aircraft involved is/are manned or unmanned is immaterial.	



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Chapter 1 Reference Definition	State of Occurrence. The State in the territory of which an accident or incident occurs.	CARs.	Less protective or partially implemented or not implemented	Not specifically defined.	Common usage.
Chapter 1 Reference Definition	State of the Operator. The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.	CARs.	Less protective or partially implemented or not implemented	Not specifically defined.	Common usage.
Chapter 1 Reference Definition	State of Registry. The State on whose register the aircraft is entered. <i>Note.— In the case of the registration of aircraft of an international operating agency on other than a national basis, the States constituting the agency are jointly and severally bound to assume the obligations which, under the Chicago Convention, attach to a State of Registry. See, in this regard, the Council Resolution of 14 December 1967 on Nationality and Registration of Aircraft Operated by International Operating Agencies which can be found in Policy and Guidance Material on the Economic Regulation of International Air Transport (Doc 9587).</i>	CAR Part 1.	No Difference		
Chapter 1 Reference Definition	State safety programme (SSP). An integrated set of regulations and activities aimed at improving safety.	CAR Part 1.	Less protective or partially implemented or not implemented	Not specifically defined, but see Remark.	The New Zealand SSP is explained and available on the CAANZ website, www.caa.govt.nz .



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Chapter 2 Reference 2.1 Standard	<p style="text-align: center;">CHAPTER 2. APPLICABILITY</p> <p>2.1 Unless otherwise stated, the specifications in this Annex apply to activities following accidents and incidents wherever they occurred.</p> <p><i>Note.— The application of this specification with respect to accidents or serious incidents occurring in the territory of a non-Contracting State, in an area of undetermined sovereignty or on the high seas is addressed in 5.2 and 5.3.</i></p>	CA Act 1990 s4.	No Difference		
Chapter 2 Reference 2.2 Standard	<p>2.2 In this Annex the specifications concerning the State of the Operator apply only when an aircraft is leased, chartered or interchanged and when that State is not the State of Registry and if it discharges, in respect of this Annex, in part or in whole, the functions and obligations of the State of Registry.</p>	CA Act 1990 s4.	No Difference		The Act covers all contingencies.



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Chapter 3 Reference 3.1 Standard	<p style="text-align: center;">CHAPTER 3. GENERAL</p> <p><i>Note.— Guidance material relating to the rights and obligations of the State of the Operator in respect of accidents and incidents involving leased, chartered or interchanged aircraft is provided in Attachment A.</i></p> <p style="text-align: center;">OBJECTIVE OF THE INVESTIGATION</p> <p>3.1 The sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents. It is not the purpose of this activity to apportion blame or liability.</p>	TAIC Act 1990 s4; CAR 12.63.	No Difference		Note: investigations by the Civil Aviation Authority, although conducted generally in accordance with this Standard, do not have any statutory guarantee to that effect.
Chapter 3 Reference 3.2 Standard	<p style="text-align: center;">INDEPENDENCE OF INVESTIGATIONS</p> <p>3.2 A State shall establish an accident investigation authority that is independent from State aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation.</p> <p><i>Note.— Guidance on the independence of an accident investigation authority is contained in the Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part I — Organization and Planning and the Manual on Accident and Incident Investigation Policies and Procedures (Doc 9962).</i></p>	TAIC Act 1990.	No Difference		The independent accident investigation authority is the Transport Accident Investigation Commission, as established by the TAIC Act 1990.



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Chapter 3 Reference 3.3 Standard	<p>PROTECTION OF EVIDENCE, CUSTODY AND REMOVAL OF AIRCRAFT</p> <p>RESPONSIBILITY OF THE STATE OF OCCURRENCE</p> <p><i>General</i></p> <p>3.3 The State of Occurrence shall take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of an investigation. Protection of evidence shall include the preservation, by photographic or other means, of any evidence which might be removed, effaced, lost or destroyed. Safe custody shall include protection against further damage, access by unauthorized persons, pilfering and deterioration.</p> <p><i>Note 1.— Control over the wreckage is dealt with in 5.6.</i></p> <p><i>Note 2.— Protection of flight recorder evidence requires that the recovery and handling of the recorder and its recordings be assigned only to qualified personnel.</i></p>	TAIC Act 1990 s12; CAR 12.101.	No Difference		



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Chapter 3 Reference 3.4 Standard	<p><i>Request from State of Registry, State of the Operator, State of Design or State of Manufacture</i></p> <p>3.4 If a request is received from the State of Registry, the State of the Operator, the State of Design or the State of Manufacture that the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, the State of Occurrence shall take all necessary steps to comply with such request, so far as this is reasonably practicable and compatible with the proper conduct of the investigation; provided that the aircraft may be moved to the extent necessary to extricate persons, animals, mail and valuables, to prevent destruction by fire or other causes, or to eliminate any danger or obstruction to air navigation, to other transport or to the public, and provided that it does not result in undue delay in returning the aircraft to service where this is practicable.</p>	TAIC Act 1990 s12; CAR 12.101.	No Difference		Act and rules apply regardless of whether or not a request is received.



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Chapter 3 Reference 3.5 Standard	<p><i>Release from custody</i></p> <p>3.5 Subject to the provisions of 3.3 and 3.4, the State of Occurrence shall release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required in the investigation, to any person or persons duly designated by the State of Registry or the State of the Operator, as applicable. For this purpose the State of Occurrence shall facilitate access to the aircraft, its contents or any parts thereof, provided that, if the aircraft, its contents, or any parts thereof lie in an area within which the State finds it impracticable to grant such access, it shall itself effect removal to a point where access can be given.</p>	TAIC Procedures.	No Difference		



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<p>Chapter 4 Reference 4.1 Standard</p>	<p style="text-align: center;">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 style="text-align: center;">ACCIDENTS OR SERIOUS INCIDENTS IN THE TERRITORY OF A CONTRACTING STATE TO AIRCRAFT OF ANOTHER CONTRACTING STATE</p> <p style="text-align: center;">RESPONSIBILITY OF THE STATE OF OCCURRENCE</p> <p>Forwarding</p> <p>4.1 The State of Occurrence shall forward a notification of an accident or serious incident, 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 Registry; b) the State of the Operator; c) the State of Design; d) the State of Manufacture; and 	<p>CAA Intelligence, Risk and Safety Analysis Unit (ISRAU) Procedures.</p>	<p>Less protective or partially implemented or not implemented</p>	<p>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.</p>	



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	<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, 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 4.2 Standard	<p>Format and content</p> <p>4.2 The notification shall be in plain language and contain as much of the following information as is readily available, but its dispatch shall not be delayed due to the lack of complete information:</p> <ul style="list-style-type: none"> a) for accidents the identifying abbreviation ACCID, for serious incidents INCID; b) manufacturer, model, nationality and registration marks, and serial number of the aircraft; c) name of owner, operator and hirer, if any, of the aircraft; d) qualification of the pilot-in-command, and nationality of crew and passengers; e) date and time (local time or UTC) of the accident or serious incident; f) last point of departure and point of intended landing of the aircraft; g) position of the aircraft with reference to some easily defined geographical point and latitude and longitude; h) number of crew and passengers; aboard, killed and seriously injured; others, killed and seriously injured; i) description of the accident or serious incident and the extent of damage to the aircraft so far as is known; j) an indication to what extent the investigation will be conducted or is proposed to be delegated by the 	CAA ISRAU Procedures.	No Difference		



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	<p>State of Occurrence;</p> <p>k) physical characteristics of the accident or serious incident area, as well as an indication of access difficulties or special requirements to reach the site;</p> <p>l) identification of the originating authority and means to contact the investigator-in-charge and the accident investigation authority of the State of Occurrence at any time; and</p> <p>m) presence and description of dangerous goods on board the aircraft.</p> <p><i>Note 1.— The 4-letter designator “YLYX” in association with an ICAO 4-letter location indicator forms the 8-letter addressee indicator for messages sent over the AFTN to authorities responsible for aircraft accident and serious incident investigations. For messages sent over the public telecommunication service the addressee indicator cannot be used and a postal or telegraphic address must be substituted.</i></p> <p><i>The 8-letter addressee indicators and the corresponding postal and telecommunications addresses, when notified to ICAO, are published in the Designators for Aircraft Operating Agencies, Aeronautical Authorities and Services (Doc 8585).</i></p> <p><i>Note 2.— The Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part I — Organization and Planning contains guidance material concerning the preparation of notification messages and the arrangements to be made for their prompt delivery to the addressee.</i></p>				



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Chapter 4 Reference 4.3 Standard	Language 4.3 The notification shall be prepared in one of the working languages of ICAO, taking into account the language of the recipient(s), whenever it is possible to do so without causing undue delay.	No specific reference.	No Difference		All notifications, reports etc are in English (de facto official language of New Zealand).
Chapter 4 Reference 4.4 Standard	Additional information 4.4 As soon as it is possible to do so, the State of Occurrence shall dispatch the details omitted from the notification as well as other known relevant information.	CAA ISRAU Procedures.	No Difference		
Chapter 4 Reference 4.5 Recommendation	RESPONSIBILITY OF THE STATE OF REGISTRY, THE STATE OF THE OPERATOR, THE STATE OF DESIGN AND THE STATE OF MANUFACTURE Information — Participation 4.5 Recommendation. — <i>The State of Registry, the State of the Operator, the State of Design and the State of Manufacture should acknowledge receipt of the notification of an accident or serious incident (4.1 refers).</i>	CAA ISRAU Procedures.	No Difference		



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Chapter 4 Reference 4.6 Standard	<p>4.6 Upon receipt of the notification, the State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall, as soon as possible, provide the State of Occurrence with any relevant information available to them regarding the aircraft and flight crew involved in the accident or serious incident. Each State shall also inform the State of Occurrence whether it intends to appoint an accredited representative and if such an accredited representative is appointed, the name and contact details; as well as the expected date of arrival if the accredited representative will travel to the State of Occurrence.</p> <p><i>Note 1.— In accordance with 5.18, the State of Registry, the State of the Operator, the State of Design and the State of Manufacture have the right to appoint an accredited representative to participate in the investigation.</i></p> <p><i>Note 2.— In accordance with 5.22, the attention of the State of Registry, the State of the Operator, the State of Design and the State of Manufacture is drawn to their obligation to appoint an accredited representative when specifically requested to do so by the State conducting the investigation of an accident to an aircraft over 2 250 kg. Their attention is also drawn to the usefulness of their presence and participation in the investigation.</i></p>	CAA ISRAU Procedures.	No Difference		
Chapter 4 Reference 4.7 Standard	<p>4.7 Upon receipt of the notification, the State of the Operator shall, with a minimum of delay and by the most suitable and quickest means available, provide the State of Occurrence with details of dangerous goods on board the aircraft.</p>	CAA ISRAU Procedures.	No Difference		



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<p>Chapter 4 Reference 4.8 Standard</p>	<p style="text-align: center;">ACCIDENTS OR SERIOUS INCIDENTS IN THE TERRITORY OF THE STATE OF REGISTRY, IN A NON-CONTRACTING STATE OR OUTSIDE THE TERRITORY OF ANY STATE</p> <p style="text-align: center;">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 serious 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 phase to the State of Registry by the rescue coordination centre is contained in Annex 12 — Search and Rescue.</i></p>	<p>CAA ISRAU Procedures.</p>	<p>Less protective or partially implemented or not implemented</p>	<p>The ICAO criterion is not incorporated in the relevant procedure.</p>	<p>Subject of USOAP CMA audit PQ finding 6.319.</p>



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Chapter 4 Reference 4.9 Recommendation	<p align="center">RESPONSIBILITY OF THE STATE OF THE OPERATOR, THE STATE OF DESIGN AND THE STATE OF MANUFACTURE</p> <p><i>Information — Participation</i></p> <p>4.9 Recommendation.— <i>The State of the Operator, the State of Design and the State of Manufacture should acknowledge receipt of the notification of an accident or serious incident (4.1 refers).</i></p>	CAA ISRAU Procedures.	No Difference		



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<p>Chapter 4 Reference 4.10 Standard</p>	<p>4.10 Upon receipt of the notification, the State of the Operator, the State of Design and the State of Manufacture shall, upon request, provide the State of Registry with any relevant information available to them regarding the flight crew and the aircraft involved in the accident or serious incident. Each State shall also inform the State of Registry whether it intends to appoint an accredited representative, and if such an accredited representative is appointed, the name and contact details; as well as the expected date of arrival if the accredited representative will be present at the investigation.</p> <p><i>Note 1.— In accordance with 5.18, the State of the Operator, the State of Design and the State of Manufacture have the right to appoint an accredited representative to participate in the investigation.</i></p> <p><i>Note 2.— In accordance with 5.22, the attention of the State of the Operator, the State of Design and the State of Manufacture is drawn to their obligation to appoint an accredited representative when specifically requested to do so by the State conducting the investigation of an accident to an aircraft over 2 250 kg. Their attention is also drawn to the usefulness of their presence and participation in the investigation.</i></p>	<p>CAA Safety Investigation Unit (SIU) Procedures.</p>	<p>No Difference</p>		
<p>Chapter 4 Reference 4.11 Standard</p>	<p>4.11 Upon receipt of the notification, the State of the Operator shall, with a minimum of delay and by the most suitable and quickest means available, provide the State of Registry with details of dangerous goods on board the aircraft.</p>	<p>CAA SIU Procedures.</p>	<p>No Difference</p>		



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Chapter 5 Reference 5.1 Standard	<p style="text-align: center;">CHAPTER 5. INVESTIGATION</p> <p style="text-align: center;">RESPONSIBILITY FOR INSTITUTING AND CONDUCTING THE INVESTIGATION</p> <p style="text-align: center;">ACCIDENTS OR INCIDENTS IN THE TERRITORY OF A CONTRACTING STATE</p> <p><i>State of Occurrence</i></p> <p>5.1 The State of Occurrence shall institute an investigation into the circumstances of the accident and be responsible for the conduct of the investigation, but it may delegate the whole or any part of the conducting of such investigation to another State or a regional accident and incident investigation organization (RAIO) by mutual arrangement and consent. In any event, the State of Occurrence shall use every means to facilitate the investigation.</p>	TAIC Act 1990 s13; CAA SIU procedures.	No Difference		
Chapter 5 Reference 5.1.1 Recommendation	<p>5.1.1 Recommendation.— <i>The State of Occurrence should institute an investigation into the circumstances of a serious incident. Such a State may delegate the whole or any part of the conducting of such investigation to another State or a regional accident and incident investigation organization by mutual arrangement and consent. In any event the State of Occurrence should use every means to facilitate the investigation.</i></p>	TAIC Act 1990 s13; CAA SIU procedures.	No Difference		



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<p>Chapter 5 Reference 5.1.2 Standard</p>	<p>5.1.2 The State of Occurrence shall institute an investigation into the circumstances of a serious incident when the aircraft is of a maximum mass of over 2 250 kg. Such a State may delegate the whole or any part of the conducting of such investigation to another State or a regional accident and incident investigation organization by mutual arrangement and consent. In any event the State of Occurrence shall use every means to facilitate the investigation.</p> <p><i>Note 1.— The investigation of a serious incident does not exclude other already existing types of investigation of incidents (serious or not) by other organizations.</i></p> <p><i>Note 2.— When the whole investigation is delegated to another State or a regional accident and incident investigation organization, such a State is expected to be responsible for the conduct of the investigation, including the issuance of the Final Report and the ADREP reporting. When a part of the investigation is delegated, the State of Occurrence usually retains the responsibility for the conduct of the investigation.</i></p> <p><i>Note 3.— In the case of investigation of an unmanned aircraft system, only aircraft with a design and/or operational approval are to be considered.</i></p> <p><i>Note 4.— In the case of serious incidents, the State of Occurrence may consider delegating the investigation to the State of Registry or the State of the Operator, in particular those involving occurrences in which it might be beneficial or more practical for one of these States to conduct the investigation.</i></p> <p><i>Note 5.— Guidance related to the establishment and management of an RAIO is contained in the Manual on Regional Accident and Incident Investigation Organization (Doc 9946).</i></p>	<p>CAA procedures.</p>	<p>No Difference</p>		



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Chapter 5 Reference 5.2 Recommendation	<p align="center">ACCIDENTS OR INCIDENTS IN THE TERRITORY OF A NON-CONTRACTING STATE</p> <p><i>State of Registry</i></p> <p>5.2 Recommendation.— <i>When the accident or the serious incident has occurred in the territory of a non-Contracting State which does not intend to conduct an investigation in accordance with Annex 13, the State of Registry or, failing that, the State of the Operator, the State of Design or the State of Manufacture should endeavour to institute and conduct an investigation in cooperation with the State of Occurrence but, failing such cooperation, should itself conduct an investigation with such information as is available.</i></p>	CA Act 1990 s4; TAIC Act 1990 s13; CAA SIU Procedures.	No Difference		Note; The CA Act covers all contingencies.
Chapter 5 Reference 5.3 Standard	<p align="center">ACCIDENTS OR INCIDENTS OUTSIDE THE TERRITORY OF ANY STATE</p> <p><i>State of Registry</i></p> <p>5.3 When the location of the accident or the serious incident cannot definitely be established as being in the territory of any State, the State of Registry shall institute and conduct any necessary investigation of the accident or serious incident. However, it may delegate the whole or any part of the investigation to another State by mutual arrangement and consent.</p>	CA Act 1990 s4; TAIC Act 1990 s13; CAA SIU Procedures.	No Difference		



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Chapter 5 Reference 5.3.1 Standard	5.3.1 States nearest the scene of an accident in international waters shall provide such assistance as they are able and shall, likewise, respond to requests by the State of Registry.	CAA SIU Procedures.	No Difference		Regardless of any procedures, this would happen without question.
Chapter 5 Reference 5.3.2 Recommendation	5.3.2 Recommendation. — <i>If the State of Registry is a non-Contracting State which does not intend to conduct an investigation in accordance with Annex 13, the State of the Operator or, failing that, the State of Design or the State of Manufacture should endeavour to institute and conduct an investigation. However, such a State may delegate the whole or any part of the investigation to another State by mutual arrangement and consent.</i>	CAA SIU Procedures.	No Difference		



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Chapter 5 Reference 5.4 Standard	<p style="text-align: center;">ORGANIZATION AND CONDUCT OF THE INVESTIGATION</p> <p><i>Note.— The Manual of Aircraft Accident and Incident Investigation (Doc 9756) contains guidance material for the organization, conduct and control of an investigation.</i></p> <p style="text-align: center;">RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION</p> <p><i>Note.— Nothing in the following provisions is intended to preclude the State conducting the investigation from calling upon the best technical expertise from any source.</i></p> <p>General</p> <p>5.4 The accident investigation authority shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of this Annex. The investigation shall normally include:</p> <p>a) the gathering, recording and analysis of all relevant information on that accident or incident;</p> <p>b) the protection of certain accident and incident investigation records in accordance with 5.12;</p> <p>c) if appropriate, the issuance of safety recommendations;</p> <p>d) if possible, the determination of the causes and/or contributing factors; and</p>	TAIC Act 1990; CA Act 1990; TAIC MAIM; 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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	<p>e) the completion of the Final Report.</p> <p>Where feasible, the scene of the accident shall be visited, the wreckage examined and statements taken from witnesses. The extent of the investigation and the procedure to be followed in carrying out such an investigation shall be determined by the accident investigation authority, depending on the lessons it expects to draw from the investigation for the improvement of safety.</p>				
<p>Chapter 5 Reference 5.4.1</p> <p>Standard</p>	<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>	<p>TAIC Act 1990 s4; CAR 12.63; CAA SIU Procedures.</p>	<p>Less protective or partially implemented or not implemented</p>	<p>Independence is not guaranteed in the case of a CAA investigation.</p>	
<p>Chapter 5 Reference 5.4.2</p> <p>Recommendation</p>	<p>5.4.2 Recommendation.— <i>The accident investigation authority should develop documented policies and procedures detailing its accident investigation duties. These should include: organization and planning; investigation; and reporting.</i></p> <p><i>Note.— Guidance related to policies and procedures for investigations is provided in the Manual on Accident and Incident Investigation Policies and Procedures (Doc 9962).</i></p>	<p>TAIC MAIM; CAA SIU procedures.</p>	<p>No Difference</p>		



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Chapter 5 Reference 5.4.3 Standard	5.4.3 A State shall ensure that any investigations conducted under the provisions of this Annex have unrestricted access to all evidential material without delay.	TAIC Act 1990; also covered by the CA Act 1990 s24(1).	No Difference		
Chapter 5 Reference 5.4.4 Recommendation	5.4.4 Recommendation. — <i>A State should ensure cooperation between its accident investigation authority and judicial authorities so that an investigation is not impeded by administrative or judicial investigations or proceedings.</i> <i>Note.— Cooperation may be achieved by legislation, protocols, agreements or other arrangements, and may cover the following subjects: access to the site of the accident; preservation of and access to evidence; initial and ongoing debriefings of the status of each process; exchange of information; appropriate use of safety information; and resolution of conflicts.</i>	Memorandums of Understanding between TAIC and CAANZ; and TAIC and the New Zealand Police.	No Difference		
Chapter 5 Reference 5.5 Standard	Investigator-in-charge — Designation 5.5 The State conducting the investigation shall designate the investigator-in-charge of the investigation and shall initiate the investigation immediately.	TAIC MAIM; CAA SIU Procedures.	No Difference		



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Chapter 5 Reference 5.6 Standard	<p><i>Investigator-in-charge — Access and control</i></p> <p>5.6 The investigator-in-charge shall have unhampered access to the wreckage and all relevant material, including flight recorders and ATS records, and shall have unrestricted control over it to ensure that a detailed examination can be made without delay by authorized personnel participating in the investigation.</p>	TAIC Act 1990 s12; CAR 12.101.	No Difference		
Chapter 5 Reference 5.7 Standard	<p><i>Flight recorders — Accidents and incidents</i></p> <p>5.7 Effective use shall be made of flight recorders in the investigation of an accident or an incident. The State conducting the investigation shall arrange for the read-out of the flight recorders without delay.</p>	TAIC MAIM; CAA SIU Procedures.	No Difference		
Chapter 5 Reference 5.8 Recommendation	<p>5.8 Recommendation.— <i>In the event that the State conducting the investigation of an accident or an incident does not have adequate facilities to read out the flight recorders, it should use the facilities made available to it by other States, giving consideration to the following:</i></p> <ul style="list-style-type: none"> <i>a) the capabilities of the read-out facility;</i> <i>b) the timeliness of the read-out; and</i> <i>c) the location of the read-out facility.</i> <p><i>Note.— The requirements for the recording of radar data and ATS communications are contained in Annex 11 — Air Traffic Services, Chapter 6.</i></p>	TAIC MAIM; CAA SIU Procedures.	No Difference		



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Chapter 5 Reference 5.9 Standard	<p>Autopsy examinations</p> <p>5.9 The State conducting the investigation into a fatal accident shall arrange for complete autopsy examination of fatally injured flight crew and, subject to the particular circumstances, of fatally injured passengers and cabin attendants, by a pathologist, preferably experienced in accident investigation. These examinations shall be expeditious and complete.</p> <p><i>Note.— Guidance material related to autopsies is provided in detail in the Manual of Civil Aviation Medicine (Doc 8984) and the Manual of Aircraft Accident and Incident Investigation (Doc 9756), the former containing detailed guidance on toxicological testing.</i></p>	Coroners Act 2006 s31 and 32; TAIC/Coroners MOU.	No Difference		Note: availability of a specialist aviation pathologist is not guaranteed in every case.
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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<p>Chapter 5 Reference 5.10 Standard</p>	<p>Coordination — Judicial authorities</p> <p>5.10 The State conducting the investigation shall recognize the need for coordination between the investigator-in-charge and the judicial authorities. Particular attention shall be given to evidence which requires prompt recording and analysis for the investigation to be successful, such as the examination and identification of victims and read-outs of flight recorder recordings.</p> <p><i>Note 1.— The responsibility of the State of Occurrence for such coordination is set out in 5.1.</i></p> <p><i>Note 2.— Possible conflicts between investigating and judicial authorities regarding the custody of flight recorders and their recordings may be resolved by an official of the judicial authority carrying the recordings to the place of read-out, thus maintaining custody.</i></p> <p><i>Note 3.— Possible conflicts between investigating and judicial authorities regarding the custody of the wreckage may be resolved by an official of the judicial authority accompanying the wreckage to the place of examination and being present at such examination when a modification of the condition of the wreckage is required, thus maintaining custody.</i></p>	<p>TAIC Act 1990; TAIC/Coroners MOU; TAIC/NZ Police MOU; TAIC/CAA MOU.</p>	<p>No Difference</p>		
<p>Chapter 5 Reference 5.11 Standard</p>	<p>Informing aviation security authorities</p> <p>5.11 If, in the course of an investigation it becomes known, or it is suspected, that an act of unlawful interference was involved, the investigator-in-charge shall immediately initiate action to ensure that the aviation security authorities of the State(s) concerned are so informed.</p>	<p>TAIC Duty Investigator (DI) Brief; CAA SIU Procedures.</p>	<p>No Difference</p>		



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<p>Chapter 5 Reference 5.12 Standard</p>	<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> <p>a) cockpit voice recordings and airborne image recordings and any transcripts from such recordings; and</p> <p>b) records in the custody or control of the accident investigation authority being:</p> <p>1) all statements taken from persons by the accident investigation authority in the course of their investigation;</p> <p>2) all communications between persons having been involved in the operation of the aircraft;</p> <p>3) medical or private information regarding persons involved in the accident or incident;</p> <p>4) recordings and transcripts of recordings from air traffic control units;</p> <p>5) analysis of and opinions about information, including flight recorder information, made by the accident investigation authority and accredited representatives in relation to the accident or incident; and</p> <p>6) the draft Final Report of an accident or incident</p>	<p>TAIC Act 1990 Part 3; CAA SIU Procedures.</p>	<p>Less protective or partially implemented or not implemented</p>	<p>Protection is afforded to TAIC investigation material (except for e)) under the TAIC Act; no such protection is available for material held by CAA.</p>	



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	investigation.				
Chapter 5 Reference 5.12.1 Recommendation	5.12.1 Recommendation. — <i>States should determine whether any other records obtained or generated by the accident investigation authority, as a part of an accident or incident investigation, need to be protected in the same way as the records listed in 5.12.</i>	TAIC Act 1990 Part 3, Disclosure and admissibility of transport accident and incident investigation information.	No Difference		
Chapter 5 Reference 5.12.2 Standard	5.12.2 The records listed in 5.12 shall be included in the Final Report or its appendices only when pertinent to the analysis of the accident or incident. Parts of the records not relevant to the analysis shall not be disclosed. <i>Note.— The records listed in 5.12 include information relating to an accident or incident. The disclosure or use of such information for purposes where the disclosure or use is not necessary in the interest of safety may mean that, in the future, the information will no longer be openly disclosed to investigators. Lack of access to such information would impede the investigation process and seriously affect aviation safety.</i>	TAIC Procedures; CAA SIU Procedures.	No Difference		
Chapter 5 Reference 5.12.3 Standard	5.12.3 The names of the persons involved in the accident or incident shall not be disclosed to the public by the accident investigation authority.	TAIC and CAA procedures; NZ Police procedures	No Difference		Names of fatally injured persons are normally released by the New Zealand Police after the requisite notifications to next of kin and other involved parties have been completed. Names of any persons are not included in any New Zealand accident reports.



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Chapter 5 Reference 5.12.4 Standard	5.12.4 States shall ensure that requests for records in the custody or control of the accident investigation authority are directed to the original source of the information, where available.	TAIC Act 1990 s14B(3) and 14C(3). TAIC Policies and Procedures.	No Difference		Such requests are routinely referred to the originator as permitted by the subsections in reference.
Chapter 5 Reference 5.12.4.1 Recommendation	5.12.4.1 Recommendation. — <i>The accident investigation authority should retain, where possible, only copies of records obtained in the course of an investigation.</i>	TAIC and CAA Policies and Procedures.	No Difference		This is normal procedure, although there are exceptions in practice where it is necessary to retain the original.
Chapter 5 Reference 5.12.5 Standard	5.12.5 States shall take measures to ensure that audio content of cockpit voice recordings as well as image and audio content of airborne image recordings are not disclosed to the public.	TAIC Act 1990, Part 3, Disclosure and admissibility of transport accident and incident investigation information.	No Difference		
Chapter 5 Reference 5.12.6 Standard	5.12.6 States issuing or receiving a draft Final Report shall take measures to ensure that it is not disclosed to the public. <i>Note.— Appendix 2 contains additional provisions on the protection of accident and incident investigation records. These provisions appear separately for convenience but form part of the SARPs.</i>	TAIC Policies and Procedures.	No Difference		No reports are released to the public until they are finalized, and even then there is an embargo date applied when advance copies are released to interested parties.



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Chapter 5 Reference 5.13 Standard	<p>Reopening of investigation</p> <p>5.13 If, after the investigation has been closed, new and significant evidence becomes available, the State which conducted the investigation shall reopen it. However, when the State which conducted the investigation did not institute it, that State shall first obtain the consent of the State which instituted the investigation.</p> <p><i>Note.— Where an aircraft which was considered missing following an official search is subsequently located, consideration may be given to reopening the investigation.</i></p>	TAIC Accident Investigation Management Systems (AIMS); CAA SIU Procedures.	No Difference		
Chapter 5 Reference 5.14 Standard	<p>RESPONSIBILITY OF ANY OTHER STATE</p> <p>Information — Accidents and incidents</p> <p>5.14 Any State shall, on request from the State conducting the investigation of an accident or an incident, provide that State with all the relevant information available to it.</p> <p><i>Note.— See also 5.16.</i></p>	TAIC Act 1990 s8(2)(e); TAIC and CAA SIU Procedures.	No Difference		
Chapter 5 Reference 5.14.1 Recommendation	<p>5.14.1 Recommendation.— <i>States should cooperate to determine the limitations on disclosure or use that will apply to information before it is exchanged between them for the purposes of an accident or incident investigation.</i></p>	TAIC Act 1990 s8(2)(e); TAIC Policies and Procedures; CAA procedures relating to Accredited Representatives, Advisers and Experts.	No Difference		The various policies and procedures incorporate the principles of the relevant SARPs in Chapter 5.



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Chapter 5 Reference 5.15 Standard	5.15 Any State, the facilities or services of which have been, or would normally have been, used by an aircraft prior to an accident or an incident, and which has information pertinent to the investigation, shall provide such information to the State conducting the investigation.	TAIC Act 1990 s8(2)(e); CAA SIU Procedures.	No Difference		
Chapter 5 Reference 5.16 Standard	<p align="center">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 5.17 Standard	Organizational information 5.17 The State of Registry and the State of the Operator, on request from the State conducting the investigation, shall provide pertinent information on any organization whose activities may have directly or indirectly influenced the operation of the aircraft.	TAIC DI Brief; CAA SIU Procedures.	No Difference		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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<p>Chapter 5 Reference 5.18 Standard</p>	<p>PARTICIPATION IN THE INVESTIGATION</p> <p><i>Note.— Nothing in this Annex is intended to imply that the accredited representative and advisers of a State have to be always present in the State in which the investigation is conducted.</i></p> <p>PARTICIPATION OF THE STATE OF REGISTRY, THE STATE OF THE OPERATOR, THE STATE OF DESIGN AND THE STATE OF MANUFACTURE</p> <p>Rights</p> <p>5.18 The State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall each be entitled to appoint an accredited representative to participate in the investigation.</p> <p><i>Note.— Nothing in this Standard is intended to preclude the State that designed or manufactured the powerplant or major components of the aircraft from requesting participation in the investigation of an accident.</i></p>	<p>TAIC Act 1990 s14(2); CAA SIU Procedures.</p>	<p>No Difference</p>		
<p>Chapter 5 Reference 5.19 Standard</p>	<p>5.19 The State of Registry or the State of the Operator shall appoint one or more advisers, proposed by the operator, to assist its accredited representative.</p>	<p>TAIC Act 1990 s14(2); TAIC MAIM; CAA SIU Procedures.</p>	<p>No Difference</p>		



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Chapter 5 Reference 5.19.1 Recommendation	5.19.1 Recommendation. — <i>When neither the State of Registry, nor the State of the Operator appoint an accredited representative, the State conducting the investigation should invite the operator to participate, subject to the procedures of the State conducting the investigation.</i>	TAIC Act 1990 s14(2); TAIC MAIM; CAA SIU Procedures.	No Difference		
Chapter 5 Reference 5.20 Standard	5.20 The State of Design and the State of Manufacture shall be entitled to appoint one or more advisers, proposed by the organizations responsible for the type design and the final assembly of the aircraft, to assist their accredited representatives.	TAIC Act 1990 s14(2); CAA SIU Procedures.	No Difference		
Chapter 5 Reference 5.21 Recommendation	5.21 Recommendation. — <i>When neither the State of Design nor the State of Manufacture appoint an accredited representative, the State conducting the investigation should invite the organizations responsible for the type design and the final assembly of the aircraft to participate, subject to the procedures of the State conducting the investigation.</i>	TAIC Act 1990 s14(2); TAIC MAIM; CAA SIU Procedures.	No Difference		



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Chapter 5 Reference 5.22 Standard	<p>Obligations</p> <p>5.22 When the State conducting an investigation of an accident to an aircraft of a maximum mass of over 2 250 kg specifically requests participation by the State of Registry, the State of the Operator, the State of Design or the State of Manufacture, the State(s) concerned shall each appoint an accredited representative.</p> <p><i>Note 1.— Nothing in 5.22 is intended to preclude the State conducting an investigation from requesting the State that designed or manufactured the powerplant or major components of the aircraft to appoint an accredited representative whenever the former State believes that a useful contribution can be made to the investigation or when such participation might result in increased safety.</i></p> <p><i>Note 2.— Nothing in 5.22 is intended to preclude the State conducting an investigation from requesting the State of Design and the State of Manufacture to give assistance in the investigation of accidents other than those in 5.22.</i></p>	TAIC Act 1990 s14(2); TAIC MAIM; CAA SIU Procedures.	No Difference		



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Chapter 5 Reference 5.23 Standard	<p style="text-align: center;">PARTICIPATION OF OTHER STATES</p> <p>Rights</p> <p>5.23 Any State which on request provides information, facilities or experts to the State conducting the investigation shall be entitled to appoint an accredited representative to participate in the investigation.</p> <p><i>Note.— Any State that provides an operational base for field investigations, or is involved in search and rescue or wreckage recovery operations, or is involved as a State of a code-share or alliance partner of the operator, may also be invited to appoint an accredited representative to participate in the investigation.</i></p>	TAIC Act 1990 s14(2); TAIC MAIM; CAA SIU Procedures.	No Difference		



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Chapter 5 Reference 5.24 Standard	<p>ENTITLEMENT OF ACCREDITED REPRESENTATIVES</p> <p><i>Advisers</i></p> <p>5.24 A State entitled to appoint an accredited representative shall also be entitled to appoint one or more advisers to assist the accredited representative in the investigation.</p> <p><i>Note 1.— Nothing in the above provisions is intended to preclude a State participating in an investigation from calling upon the best technical experts from any source and appointing such experts as advisers to its accredited representative.</i></p> <p><i>Note 2.— Facilitation of the entry of the accredited representatives, their advisers and equipment is covered in Annex 9 — Facilitation. The carriage of an official or service passport may expedite the entry.</i></p>	TAIC Act 1990 s14(2); TAIC MAIM; CAA SIU Procedures.	No Difference		
Chapter 5 Reference 5.24.1 Standard	5.24.1 Advisers assisting accredited representatives shall be permitted, under the accredited representatives' supervision, to participate in the investigation to the extent necessary to enable the accredited representatives to make their participation effective.	TAIC Act 1990 s14(2); TAIC MAIM; CAA SIU Procedures.	No Difference		



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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
<p>Chapter 5 Reference 5.25 Standard</p>	<p>Participation</p> <p>5.25 Participation in the investigation shall confer entitlement to participate in all aspects of the investigation, under the control of the investigator-in-change, in particular to:</p> <ul style="list-style-type: none"> a) visit the scene of the accident; b) examine the wreckage; c) obtain witness information and suggest areas of questioning; d) have full access to all relevant evidence as soon as possible; e) receive copies of all pertinent documents; f) participate in read-outs of recorded media; g) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations; h) participate in investigation progress meetings including deliberations related to analysis, findings, causes, contributing factors and safety recommendations; and i) make submissions in respect of the various elements of the investigation. <p>However, participation of States other than the State of Registry, the State of the Operator, the State of Design and the State of Manufacture may be limited to those matters which entitled such States to participation under 5.23.</p>	<p>TAIC Act 1990 s14(2); TAIC MAIM; CAA SIU Procedures.</p>	<p>No Difference</p>		



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	<p><i>Note 1.— It is recognized that the form of participation would be subject to the procedures of the State in which the investigation, or part thereof, is being conducted.</i></p> <p><i>Note 2.— The collection and recording of information need not be delayed to await the arrival of an accredited representative.</i></p> <p><i>Note 3.— Nothing in this Standard precludes the State conducting the investigation from extending participation beyond the entitlement enumerated.</i></p> <p><i>Note 4.— The pertinent documents referred to in subparagraph e) also include documents such as the reports on examinations of components or studies performed within the framework of the investigation.</i></p>				



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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 5 Reference 5.27 Standard	<p>PARTICIPATION OF STATES HAVING SUFFERED FATALITIES OR SERIOUS INJURIES TO THEIR CITIZENS</p> <p><i>Rights and entitlement</i></p> <p>5.27 A State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens shall be entitled to appoint an expert who shall be entitled to:</p> <ul style="list-style-type: none"> a) visit the scene of the accident; b) have access to the relevant factual information which is approved for public release by the State conducting the investigation, and information on the progress of the investigation; and c) receive a copy of the Final Report. <p>This will not preclude the State from also assisting in the identification of victims and in meetings with survivors from that State.</p> <p><i>Note.— Guidance related to assistance to aircraft accident victims and their families is provided in the Manual on Assistance to Aircraft Accident Victims and their Families (Doc 9973).</i></p>	TAIC MAIM; CAA SIU Procedures.	No Difference		
Chapter 5 Reference 5.28 Recommendation	<p>5.28 Recommendation.— <i>The State conducting the investigation should release, at least during the first year of the investigation, established factual information and indicate the progress of the investigation in a timely manner.</i></p>	TAIC policies and procedures.	No Difference		



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Chapter 6 Reference 6.1 Recommendation	<p style="text-align: center;">CHAPTER 6. FINAL REPORT</p> <p>6.1 Recommendation.— <i>The format of the Final Report in Appendix 1 should be used. However, it may be adapted to the circumstances of the accident or incident.</i></p>	TAIC Procedures; CAA SIU Procedures.	No Difference		
Chapter 6 Reference 6.2 Standard	<p style="text-align: center;">RESPONSIBILITY OF ANY STATE</p> <p><i>Release of information — Consent</i></p> <p>6.2 States shall not circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or incident, without the express consent of the State which conducted the investigation, unless such reports or documents have already been published or released by that latter State.</p>	TAIC Procedures; CAA SIU Procedures.	No Difference		



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<p>Chapter 6 Reference 6.3 Standard</p>	<p style="text-align: center;">RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION</p> <p><i>Consultation</i></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>If the State conducting the investigation receives comments within sixty days of the date of the transmittal letter, 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 sixty days of the date of the first transmittal letter, it shall issue the Final Report in accordance with 6.4, unless an 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</i></p>	<p>TAIC Procedures; CAA SIU Procedures.</p>	<p>No Difference</p>		



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	<p><i>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 6 Reference 6.3.1 Recommendation	<p>6.3.1 Recommendation.— <i>The State conducting the investigation should send, through the State of the Operator, a copy of the draft Final Report to the operator to enable the operator to submit comments on the draft Final Report.</i></p>	TAIC Procedures; CAA SIU Procedures.	No Difference		Note: the 'draft Final Report' is referred to as the 'Preliminary Report' (CAA).
Chapter 6 Reference 6.3.2 Recommendation	<p>6.3.2 Recommendation.— <i>The State conducting the investigation should send, through the State of Design and the State of Manufacture, a copy of the draft Final Report to the organizations responsible for the type design and the final assembly of the aircraft to enable them to submit comments on the draft Final Report.</i></p>	TAIC Procedures; CAA SIU Procedures.	No Difference		Note: the 'draft Final Report' is referred to as the 'Preliminary Report' (CAA).



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Chapter 6 Reference 6.4 Standard	<p><i>Recipient States</i></p> <p>6.4 The Final Report of the investigation of an accident shall be sent with a minimum of delay by the State conducting the investigation to:</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; f) any State that participated in the investigation; g) any State having suffered fatalities or serious injuries to its citizens; and h) any State that provided relevant information, significant facilities or experts. 	TAIC Procedures; CAA SIU Procedures.	No Difference		



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Chapter 6 Reference 6.5 Standard	<p><i>Release of the Final Report</i></p> <p>6.5 In the interest of accident prevention, the State conducting the investigation of an accident or incident shall make the Final Report publicly available as soon as possible and, if possible, within twelve months.</p> <p><i>Note.— Making a Final Report publicly available can be achieved by posting the Final Report on the Internet, and does not necessarily require a hard-copy publication of the Final Report.</i></p>	TAIC Procedures; CAA SIU Procedures.	No Difference		
Chapter 6 Reference 6.6 Standard	<p>6.6 If the report cannot be made publicly available within twelve months, the State conducting the investigation shall make an interim statement publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.</p>	TAIC Procedures; CAA SIU Procedures.	No Difference		
Chapter 6 Reference 6.7 Standard	<p>6.7 When the State that has conducted an investigation into an accident or an incident involving an aircraft of a maximum mass of over 5 700 kg has released a Final Report, that State shall send to the International Civil Aviation Organization a copy of the Final Report.</p> <p><i>Note.— Whenever practicable, the Final Report sent to ICAO is to be prepared in one of the working languages of the Organization and in the form shown in Appendix 1.</i></p>	TAIC Policies and Procedures; TAIC/CAA MOU.	No Difference		



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Chapter 6 Reference 6.8 Standard	<p>Safety recommendations</p> <p>6.8 At any stage of the investigation of an accident or incident, the accident investigation authority of the State conducting the investigation shall recommend in a dated transmittal correspondence to the appropriate authorities, including those in other States, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.</p> <p><i>Note.— Precedence for the issuance of safety recommendations from an accident or incident investigation should be given to the State conducting the investigation; however, in the interest of safety, other States participating in the investigation may issue safety recommendations after coordinating with the State conducting the investigation.</i></p>	TAIC Act 1990 s9; CAA SIU Procedures.	No Difference		
Chapter 6 Reference 6.9 Standard	<p>6.9 A State conducting investigations of accidents or incidents shall address, when appropriate, any safety recommendations arising out of its investigations in a dated transmittal correspondence to the accident investigation authorities of other State(s) concerned and, when ICAO documents are involved, to ICAO.</p> <p><i>Note.— When Final Reports contain safety recommendations addressed to ICAO, because ICAO documents are involved, these reports must be accompanied by a letter outlining the specific action proposed.</i></p>	TAIC Act 1990 s9; CAA SIU Procedures.	No Difference		



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Chapter 6 Reference 6.10 Standard	<p>RESPONSIBILITY OF A STATE RECEIVING OR ISSUING SAFETY RECOMMENDATIONS</p> <p><i>Action on safety recommendations</i></p> <p>6.10 A State that receives safety recommendations shall inform the proposing State, within ninety days of the date of the transmittal correspondence, of the preventive action taken or under consideration, or the reasons why no action will be taken.</p> <p><i>Note.— Nothing in this Standard is intended to preclude the State conducting the investigation from making proposals for preventive action other than safety recommendations.</i></p>	CAA SIU Procedures.	No Difference		
Chapter 6 Reference 6.11 Standard	6.11 A State conducting the investigation or any other State issuing a safety recommendation shall implement procedures to record the responses received under 6.10 to the safety recommendation issued.	TAIC policies and procedures; CAA SIU procedures.	No Difference		



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Chapter 6 Reference 6.12 Standard	<p>6.12 A State that receives a safety recommendation shall implement procedures to monitor the progress of the action taken in response to that safety recommendation.</p> <p><i>Note.— Guidance on the identification, drafting and follow-up of safety recommendations is contained in the Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part IV— Reporting.</i></p>	TAIC policies and procedures; CAA SIU procedures.	No Difference		



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<p>Chapter 7 Reference 7.1 Standard</p>	<p>CHAPTER 7. ADREP REPORTING</p> <p><i>Note 1.— Attachment B provides a notification and reporting checklist.</i></p> <p><i>Note 2.— The provisions of this Chapter may require two separate reports for any one accident or incident. They are:</i></p> <p><i>Preliminary Report</i> <i>Accident/Incident Data Report.</i></p> <p>PRELIMINARY REPORT</p> <p>RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION</p> <p><i>Accidents to aircraft over 2 250 kg</i></p> <p>7.1 When the aircraft involved in an accident is of a maximum mass of over 2 250 kg, the State conducting the investigation shall send the Preliminary Report to:</p> <ul style="list-style-type: none"> a) the State of Registry or the State of Occurrence, as appropriate; b) the State of the Operator; c) the State of Design; d) the State of Manufacture; e) any State that provided relevant information, 	<p>TAIC Procedures; CAA SIU Procedures.</p>	<p>No Difference</p>		



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	<p>significant facilities or experts; and</p> <p>f) the International Civil Aviation Organization.</p>				
<p>Chapter 7 Reference 7.2 Standard</p>	<p>Accidents to aircraft of 2 250 kg or less</p> <p>7.2 When an aircraft, not covered by 7.1, is involved in an accident and when airworthiness or matters considered to be of interest to other States are involved, the State conducting the investigation shall forward the Preliminary Report to:</p> <p>a) the State of Registry or the State of Occurrence, as appropriate;</p> <p>b) the State of the Operator;</p> <p>c) the State of Design;</p> <p>d) the State of Manufacture; and</p> <p>e) any State that provided relevant information, significant facilities or experts.</p>	<p>CAA SIU Procedures.</p>	<p>No Difference</p>		
<p>Chapter 7 Reference 7.3 Standard</p>	<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>	<p>No specific reference.</p>	<p>Less protective or partially implemented or not implemented</p>	<p>USOAP CMA PQ finding 6.433 refers: The State does not and has not systematically submitted the necessary data reports to ICAO.</p>	<p>All reports are submitted in English (de facto official language of New Zealand).</p>



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Chapter 7 Reference 7.4 Standard	Dispatch 7.4 The Preliminary Report shall be sent by facsimile, e-mail, or airmail within thirty days of the date of the accident unless the Accident/Incident Data Report has been sent by that time. When matters directly affecting safety are involved, it shall be sent as soon as the information is available and by the most suitable and quickest means available.	TAIC Procedures; CAA SIU Procedures.	No Difference		Note the finding reference in 7.3 - ADREP reports have not been submitted to ICAO.
Chapter 7 Reference 7.5 Standard	ACCIDENT/INCIDENT DATA REPORT RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION <i>Accidents to aircraft over 2 250 kg</i> 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.	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	Additional information 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>	CAA SIU Procedures.	Less protective or partially implemented or not implemented	Not specifically provided for.	Information will normally be provided on request unless there in 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>	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.	



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Chapter 8 Reference 8.1 Standard	<p style="text-align: center;">CHAPTER 8. ACCIDENT PREVENTION MEASURES</p> <p><i>Note.— In addition to the provisions of this Chapter, other provisions relative to the promotion of accident prevention by collection and analysis of safety data and by a prompt exchange of safety information, as part of the State safety programme (SSP), are included in Annex 19 — Safety Management and, to this effect, are applicable to this Annex. Further guidance is contained in the Safety Management Manual (SMM) (Doc 9859).</i></p> <p>Database and preventive actions</p> <p>8.1 A State shall establish and maintain an accident and incident database to facilitate the effective analysis of information on actual or potential safety deficiencies and to determine any preventive actions required.</p> <p><i>Note.— Additional information on which to base preventive actions may be contained in the Final Reports on accidents and incidents that have been investigated.</i></p>	CAA Aviation Safety Management System (ASMS) database.	No Difference		



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Chapter 8 Reference 8.2 Recommendation	<p>8.2 Recommendation.— <i>State authorities responsible for the implementation of the SSP should have access to the accident and incident database referenced in 8.1 to support their safety responsibilities.</i></p> <p><i>Note.</i>— <i>An accident and incident database may be included in a safety database, which may refer to a single or multiple database(s). Further provisions on a safety database are contained in Annex 19 — Safety Management. Additional guidance is also included in the Safety Management Manual (SMM) (Doc 9859).</i></p>	CAA Aviation Safety Monitoring System (ASMS).	No Difference		ASMS is administered by CAA and is available to TAIC as required.
Chapter 8 Reference 8.3 Standard	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.	CAA Policies and Procedures.	Less protective or partially implemented or not implemented	Not specifically provided for.	

- END -