



SEMAPHORE

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No-Blame Focus Works Well for Accident Investigations

A policy of looking for the causes of accidents, rather than seeking to attribute blame, works well for the role of the Transport Accident Investigation Commission (TAIC) in seeking to avoid repeat accidents.

TAIC chief executive Martin Sawyers told the MLAANZ New Zealand Branch Conference that the no-blame focus was crucial to the success of the commission's inquiries, as people can open up as to how an accident happened, without fear of being prosecuted.



Martin Sawyers

Mr Sawyers said TAIC came into existence in 1990, more than a decade after the Mount Erebus crash had underlined the need for an independent body to head investigations into transport accidents. Initially investigating aviation accidents only, Parliament extended the commission's jurisdiction to cover rail in 1992 and later marine in 1995.

TAIC is a standing Commission of Inquiry and is required by law to act independently from the Government, from regulatory agencies and from transport operators when conducting its investigations. It is independent of any investigations that other authorities may be undertaking.

It might co-ordinate with other investigations seeking access to an accident scene or physical evidence, but that's where the line in the sand is drawn. It even has primacy during investigations, meaning it has priority in gathering and viewing evidence. It can compel organisations to disclose information.

Statements and submissions made to TAIC, as well as certain investigation records, are protected and can only be disclosed for the purposes of the commission's inquiry. TAIC's reports cannot be used in regulatory, criminal or civil proceedings (although they can be used in a Coroner's inquiry). Its investigators cannot be put in the witness box to give an opinion about a TAIC investigation or any matter included in a TAIC report.

The reason for this is that the purpose of the commission is to increase transport safety by finding the root cause of accidents and making recommendations to avoid repeats, rather than ascribing blame.

"Blame does exist and that is why regulators exist, because people cannot act with impunity," said Mr Sawyers.

"But TAIC's job is to go past that and look for the system failures that led to the accident. We are not interested in what occurred so much as why it occurred.

"A lot of TAIC's success is due to the fact we are focused on those failures, and making recommendations to avoid similar accidents in future, rather than ascribing blame."

He favoured a "just culture" in which people could admit to unintentional slip ups without fear of prosecution.

“This has been very successful in the aviation industry and it warrants further consideration in the maritime world. I believe that in some areas of the maritime sector there is major under-reporting of incidents.”

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