



SUPPLEMENT

TO THE

NEW ZEALAND GAZETTE

OF

THURSDAY, 5 JUNE 1980

Published by Authority

WELLINGTON: WEDNESDAY, 11 JUNE 1980

*Royal Commission to Inquire Into and Report Upon the
Crash on Mount Erebus, Antarctica, of a DC-10 Aircraft
operated by Air New Zealand Limited*

ELIZABETH the Second, by the Grace of God Queen of New Zealand and Her Other Realms and Territories, Head of the Commonwealth, Defender of the Faith:

To our Trusty and Well-beloved The Honourable PETER THOMAS MAHON, of Auckland, a Judge of the High Court of New Zealand:

GREETING:

WHEREAS, on the morning of the 28th day of November 1979, a DC-10 Series 30 aircraft, operated by Air New Zealand Limited and bearing the nationality and registration marks ZK-NZP, took off from Auckland, at the beginning of a flight designated as Flight TE 901, a scenic passenger flight over Antarctica:

And whereas the next point of intended landing of the aircraft, after taking off from Auckland, and flying over Antarctica, was Christchurch:

And whereas, on the 28th day of November 1979, the aircraft crashed on the slopes of Mount Erebus, Antarctica, in the course of Flight TE 901:

And whereas the crash of the aircraft resulted in the total loss of the aircraft and in the death of all persons, believed to have numbered 257, on board:

And whereas, on the 28th day of November 1979, the aircraft was a New Zealand aircraft and Air New Zealand Limited was both the registered owner and the operator of the aircraft:

And whereas it is expedient that inquiry should be made into the causes and circumstances of the crash:

Know YE that We, reposing trust and confidence in your integrity, knowledge, and ability, do hereby nominate, constitute, and appoint you, the said The Honourable PETER THOMAS MAHON to be a Commission to inquire into and report upon:

- (a) The time at which the aircraft crashed;
- (b) The cause or causes of the crash and the circumstances in which it happened;
- (c) Whether the aircraft and its equipment were suitable for Flight TE 901?
- (d) Whether the aircraft and its equipment were properly maintained and serviced?
- (e) Whether the crew of the aircraft held the appropriate licences and ratings and had adequate experience to make Flight TE 901?
- (f) Whether, in the course of Flight TE 901, the aircraft was operated, flown, navigated, or manoeuvred in a manner that was unsafe or in circumstances that were unsafe?
- (g) Whether the crash of the aircraft or the death of the passengers and crew was caused or contributed to by any person (whether or not that person was on board the aircraft) by an act or omission in respect of any function in relation to the operation, maintenance, servicing, flying, navigation, manoeuvring, or air traffic control of the aircraft, being a function which that person had a duty to perform or which good aviation practice required that person to perform?
- (h) Whether the practice and actions of the Civil Aviation Division of the Ministry of Transport in respect of Flight TE 901 were such as might reasonably be regarded as necessary to ensure the safe operation of aircraft on flights such as TE 901?
- (i) The working and adequacy of the existing law and procedures relating to—
 - (i) The investigation of air accidents; and
 - (ii) In particular, the making available to interested persons of information obtained during the investigation of air accidents;
- (j) Any other facts or matters arising out of the crash that, in the interests of public safety, should be known to the authorities charged with the administration of civil aviation in order that appropriate measures may be taken for the safety of persons engaged in aviation or carried as passengers in aircraft:

And for the better enabling you to carry these presents into effect you are hereby authorised and empowered to make and conduct any inquiry or investigation under these presents in such manner and at such time and place as you

think expedient, with power to adjourn from time to time and place to place as you think fit, and so that these presents shall continue in force and any such inquiry may at any time and place be resumed although not regularly adjourned from time to time or from place to place:

And you are hereby strictly charged and directed that you shall not at any time publish, save to His Excellency the Governor-General, in pursuance of these presents or by His Excellency's direction, the contents of any report so made or to be made by you, or any evidence or information obtained by you in the exercise of the powers hereby conferred on you, except such evidence or information as is received in the course of a sitting open to the public:

And We do further ordain that you have liberty to report your proceedings and findings under this Our Commission from time to time if you shall judge it expedient to do so:

And, using all due diligence, you are required to report to His Excellency the Governor-General in writing under your hands, not later than the 31st day of October 1980, your findings and opinions on the matters aforesaid, together with such recommendations as you think fit to make in respect thereof:

And, lastly, it is hereby declared that these presents are issued under the authority of the Letters Patent of His Late

Majesty King George the Fifth, dated the 11th day of May 1917, and under the authority of and subject to the provisions of the Commissions of Inquiry Act 1908, and with the advice and consent of the Executive Council of New Zealand.

In Witness whereof We have caused this Our Commission to be issued and the Seal of New Zealand to be hereunto affixed at Wellington this 11th day of June 1980.

Witness The Right Honourable Sir Keith Jacka Holyoake, Knight Companion of the Most Noble Order of the Garter, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Member of the Order of the Companions of Honour, Principal Companion of the Queen's Service Order, Governor-General and Commander-in-Chief in and over New Zealand.

KEITH HOLYOAKE, Governor-General.
By His Deputy RONALD DAVISON.

By His Excellency's Command—

L. R. ADAMS-SCHNEIDER,
Acting for the Prime Minister.

Approved in Council—

P. G. MILLEN, Clerk of the Executive Council.