

Recommendations recap

A summary of coronial recommendations and comments
made between 1 January 2015 and 30 June 2015



OFFICE OF THE
CHIEF CORONER
OF NEW ZEALAND

Issue 9

Coroners have a duty to identify any lessons learned from the deaths referred to them that might help prevent such deaths happening in the future. In order to publicise these lessons, the findings and recommendations of most cases are open to the public.

Recommendations Recap identifies and summarises all coronial recommendations that have been made over the relevant period. We also include any summaries of responses to recommendations from agencies and organisations that we receive.

This edition of Recommendations Recap features 54 recent coronial cases where recommendations have been made. These final findings were released by a coroner between 01/01/2015 and 30/06/2015.

This issue features a case study report on motor vehicle deaths related to overseas drivers. The report contains the key statistics relating to these deaths, an outline of the issues involved and the legal framework surrounding overseas drivers. It also provides a summary of recommendations made by coroners following these deaths.

Disclaimer: The précis of coronial findings detailed within this publication have been produced by Research Counsel of the Office of the Chief Coroner, with the best efforts made to accurately summarise the circumstances, findings and recommendations made by the coroner in each case. Despite this, it should be noted that they are not exact replications of coronial findings. The original finding should always be accessed if it is intended to refer to it formally.

Please also note that summaries of circumstances and recommendations following self-inflicted deaths may be edited so as to comply with restrictions on publication of particulars of those deaths, as per section 71 of the Coroners Act 2006. Similarly, the contents of summaries and recommendations may be edited to comply with any orders made under section 74 of the Act.

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Recommendations

Adverse Effects or Reactions to Medical/Surgical Care

Case Number	Catch Words
CSU-2013-CCH-000089 2015 NZCorC 45	Haemorrhage, Elective Surgery, Removal of Catheter, Balloon Deflation Overlooked
	Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/45.html
	Response N/A

Aviation Accident

Case Number	Catch Words
CSU-2012-WGN-000052 CSU-2012-WGN-000067 CSU-2012-WGN-000064 CSU-2012-WGN-000066 CSU-2012-WGN-000028 CSU-2012-WGN-000065 CSU-2012-WGN-000027 CSU-2012-WGN-000036 CSU-2012-WGN-000034 CSU-2012-WGN-000023 CSU-2012-WGN-000022 2015 NZCorC 20-30	Carterton Hot Air Balloon Accident, Powerlines, Fire, Medical Certification of Commercial Pilots, Providing Information About Pilot Certification To Passengers, Drug and Alcohol Testing of Pilots, Passenger Use of Rapid Deflation System Considered But Rejected, Civil Aviation Authority
	Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/20.html http://www.nzlii.org/nz/cases/NZCorC/2015/21.html http://www.nzlii.org/nz/cases/NZCorC/2015/22.html http://www.nzlii.org/nz/cases/NZCorC/2015/23.html http://www.nzlii.org/nz/cases/NZCorC/2015/24.html http://www.nzlii.org/nz/cases/NZCorC/2015/25.html http://www.nzlii.org/nz/cases/NZCorC/2015/26.html http://www.nzlii.org/nz/cases/NZCorC/2015/27.html http://www.nzlii.org/nz/cases/NZCorC/2015/28.html http://www.nzlii.org/nz/cases/NZCorC/2015/29.html http://www.nzlii.org/nz/cases/NZCorC/2015/30.html
	Response from the Civil Aviation Authority and the Ministry of Transport See above links for Civil Aviation Authority response Response pending from the Ministry of Transport

Care Facilities

Case Number	Catch Words
CSU-2014-CCH-000417 2015 NZCorC 37	Accidental Neck Compression, Intellectually Handicapped, In-Care Home, Electrical Wires
	Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/37.html

Response from NZ Care

No response received

Child Deaths**Case Number**CSU-2012-CCH-000685
2015 NZCorC 13**Catch Words**

7 year old, Fall from Utility Tray of Farm Vehicle

Link to Summary and Recommendations<http://www.nzlii.org/nz/cases/NZCorC/2015/13.html>**Response**

N/A

Case NumberCSU-2013-PNO-000309
2015 NZCorC 38**Catch Words**

Unsafe Sleeping Environment, Infant, 3 weeks old, Shared Bed with Parents, Alcohol

Link to Summary and Recommendations<http://www.nzlii.org/nz/cases/NZCorC/2015/38.html>**Response**

N/A

Case NumberCSU-2013-AUK-001233
2015 NZCorC 43**Catch Words**

Drowning, Swimming Pool, Fencing, Building Consent, Child

Link to Summary and Recommendations<http://www.nzlii.org/nz/cases/NZCorC/2015/43.html>**Response**

N/A

Deaths in Custody**Case Number**CSU-2011-DUN-000065
2015 NZCorC 32**Catch Words**

Drug Smuggling, Otago Corrections Facility, Knowledge of Corrections and Police, Appropriate Medical Treatment, Corrections Regulations

Link to Summary and Recommendations<http://www.nzlii.org/nz/cases/NZCorC/2015/32.html>**Response from the Department of Corrections and the New Zealand Police**

Responses pending

Fall**Case Number**CSU-2014-HAM-000020
2015 NZCorC 33**Catch Words**

Fall from Ladder, Head Injuries

Link to Summary and Recommendations<http://www.nzlii.org/nz/cases/NZCorC/2015/33.html>**Response**

N/A

Case NumberCSU-2013-WHG-000241
2015 NZCorC 36**Catch Words**

Fall from Height, Moturua Island, Department of Conservation, Appropriate Signage

Link to Summary and Recommendations<http://www.nzlii.org/nz/cases/NZCorC/2015/36.html>**Response from the Department of Conservation**

See above link

Fire-Related

Case Number

CSU-2013-AUK-001324
2015 NZCorC 6

Catch Words

House Fire, Pot Left On Stove, Alcohol, Fatigue

Link to Summary and Recommendations

<http://www.nzlii.org/nz/cases/NZCorC/2015/6.html>

Response

N/A

Homicide/Interpersonal Violence

Case Number

CSU-2014-DUN-000016
CSU-2014-DUN-000017
CSU-2014-DUN-000018
2014 NZCorC 50
2014 NZCorC 51
2014 NZCorC 52

Catch Words

Family Violence, Homicide, Self-Inflicted Death, Protection Order, Breaches of Protection Order, Inter-Agency Responses, New Zealand Police Policies for Family Violence and Adult Sexual Assault, Medical Professionals' Responsibilities to Court

Link to Summary and Recommendations

<http://www.nzlii.org/nz/cases/NZCorC/2015/50.html>

<http://www.nzlii.org/nz/cases/NZCorC/2015/51.html>

<http://www.nzlii.org/nz/cases/NZCorC/2015/52.html>

Responses received

- See above link for response from the Psychotherapists Board of Aotearoa New Zealand and Family Violence Inter Agency Response System Dunedin
- Response pending from New Zealand Police.

Labour or Pregnancy Related

Case Number

CSU-2012-HAM-000241
CSU-2012-HAM-000245
2015 NZCorC 3
2015 NZCorC 4

Catch Words

Labour, Lead Maternity Carer, Departure from Proper Practice, Lack of Proper Training and Experience

Link to Summary and Recommendations

<http://www.nzlii.org/nz/cases/NZCorC/2015/3.html>

<http://www.nzlii.org/nz/cases/NZCorC/2015/4.html>

Response received

- See above links for response from the Perinatal and Maternal Mortality Committee, and Health and Quality and Safety Commission
- See above link from the Midwifery Council of New Zealand.
- Response from the Minister of Health and Director General of Health is pending.

Case Number

CSU-2013-PNO-000226
2015 NZCorC 14

Catch Words

Extreme Prematurity, Community Birth, Ambulance Transfer to Hospital

Link to Summary and Recommendations

<http://www.nzlii.org/nz/cases/NZCorC/2015/14.html>

Response

N/A

Natural Disasters

Case Number	Catch Words
CSU-2011-AUK-000516 2015 NZCorC 31	Tornado, Construction Site, Temporary Portacoms
	Link to Summary and Recommendations
	http://www.nzlii.org/nz/cases/NZCorC/2015/31.html
	Response from WorkSafe NZ and the Ministry of Business, Innovation and Employment
	Responses pending

Police Pursuits

Case Number	Catch Words
CSU-2011-AUK-001220 2015 NZCorC 42	Motor Vehicle Crash, Drugs and Alcohol, Fleeing Police
	Link to Summary and Recommendations
	http://www.nzlii.org/nz/cases/NZCorC/2015/42.html
	Response from New Zealand Police
	Response pending

Self-Inflicted

Case Number	Catch Words
CSU-2013-DUN-000322 2015 NZCorC 12	Southern District Health Board, Ashburn Clinic, Communication with Patients' Families, Risk Assessment, Clinical Records, Nursing Handover
	Link to Summary and Recommendations
	http://www.nzlii.org/nz/cases/NZCorC/2015/12.html
	Response from the Ashburn Clinic
	See above link
Case Number	Catch Words
CSU-2013-HAM-000378 2015 NZCorC 15	Carbon Monoxide Poisoning, Appropriate Treatment for Carbon Monoxide Poisoning
	Link to Summary and Recommendations
	http://www.nzlii.org/nz/cases/NZCorC/2015/15.html
	Response
	N/A
Case Number	Catch Words
CSU-2014-CCH-000091 2015 NZ CorC 18	West Coast District Health Board, Mental Health Service Processes
	Link to Summary and Recommendations
	http://www.nzlii.org/nz/cases/NZCorC/2015/18.html
	Response
	N/A
Case Number	Catch Words
CSU-2013-AUK-000480 2015 NZCorC 34	Medication Overdose, When to Call Ambulance
	Link to Summary and Recommendations
	http://www.nzlii.org/nz/cases/NZCorC/2015/34.html
	Response

	N/A
Case Number CSU-2008-AUK-000917 2015 NZCorC 41	Catch Words Self-inflicted Injuries, Workplace Behaviour, Impact of Workplace Comments on Individuals Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/41.html Response N/A
Case Number CSU-2012-WHG-000089 2015 NZCorC 57	Catch Words Self Inflicted, Child Youth and Family Services, Suicide Postvention Services, Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/57.html Response from the Ministry of Social Development Child Youth and Family Services Response pending
Transport-Related	
Case Number CSU-2013-WGN-000252 2015 NZCorC 2	Catch Words Push bike, Wire Suspended Between Waratahs, Residential Area Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/2.html Response from the Wellington City Council No response received
Case Number CSU-2012-WHG-000249 2015 NZCorC 5	Catch Words Single Motor Vehicle Crash, Texting while Driving Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/5.html N/A
Case Number CSU-2014-HAS-000071 2015 NZCorC 7	Catch Words Mobility Scooter, Loss of Control, Unfenced Drain Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/7.html Response N/A
Case Number CSU-2013-CCH-000518 CSU-2013-CCH-000519 2015 NZCorC 10 2015 NZCorC 11	Catch Words Campervan, Tourists, Haast Pass, Extreme Weather Event, Rock and Debris Landslide onto Vehicle Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/10.html http://www.nzlii.org/nz/cases/NZCorC/2015/11.html Response from the New Zealand Transport Agency See above link
Case Number CSU-2014-CCH-000174	Catch Words Motor Vehicle Crash, Neck Injury, No Seatbelt

2015 NZCorC 19	<p>Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/19.html</p> <p>Response N/A</p>
Case Number CSU-2011-WGN-000299 2015 NZCorC 35	<p>Catch Words Hit by Bus while Jogging in Wellington, Design Layout of 'Golden Mile', Safety Improvements</p> <p>Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/35.html</p> <p>Response from Wellington City Council See above link</p>
Case Number CSU-2013-CCH-000674 2015 NZCorC 39	<p>Catch Words Motor Vehicle Crash, Give Way Sign, Foreign Driver</p> <p>Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/39.html</p> <p>Response from the New Zealand Transport Agency See above link</p>
Case Number CSU-2013-AUK-000101 2015 NZCorC 40	<p>Catch Words Push Bike Accident, No Helmet, 13 Year Old</p> <p>Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/40.html</p> <p>Response N/A</p>
Case Number CSU-2013-WHG-000186 2015 NZCorC 46	<p>Catch Words Chest Injuries, Motor Vehicle Crash, Drugs and Alcohol</p> <p>Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/46.html</p> <p>Response N/A</p>
Case Number CSU-2013-AUK-000632 2015 NZCorC 48	<p>Catch Words Motor Vehicle Crash, Visibility Issues</p> <p>Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/48.html</p> <p>Response from Auckland Transport Response pending</p>
Case Number CSU-2013-WHG-000223 2015 NZCorC 62	<p>Catch Words Motor Vehicle Crash, Overtaking, Speed Limit Review, Seatbelt</p> <p>Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/62.html</p> <p>Response N/A</p>
Water-Related (General)	
Case Number CSU-2012-AUK-001491 2015 NZCorC 1	<p>Catch Words Drowning, Bethells Beach, Delay in Emergency Services Contact</p> <p>Link to Summary and Recommendations</p>

	http://www.nzlii.org/nz/cases/NZCorC/2015/1.html
	Response from Auckland Council
	See above link
Case Number CSU-2012-AUK-000725 CSU-2012-AUK-000722 2015 NZCorC 8 2015 NZCorC 9	Catch Words Small Children in Boat with Father, Unable to Swim, No Lifejackets, Rough Weather Conditions Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/8.html http://www.nzlii.org/nz/cases/NZCorC/2015/9.html Response from New Zealand Transport Agency See above link
Case Number CSU-2013-WHG-000116 2015 NZCorC 17	Catch Words Drowning, Fishing on Boat, Engine Issues, Rough Seas Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/17.html Response N/A
Case Number CSU-2013-HAM-000215 2015 NZCorC 44	Catch Words Drowning, Fishing Trip, Boat Capsized, No Lifejacket Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/44.html Response N/A
Case Number CSU-2014-DUN-000159 2015 NZCorC 47	Catch Words Trapped in Rope, Retrieving Trawl Net, Fishing Vessel Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/47.html Response N/A
Case Number CSU-2014-DUN-000242 2015 NZCorC 49	Catch Words Cold Water Immersion, Fishing Trip Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/49.html Response N/A
Work-Related (Agriculture)	
Case Number CSU-2014-HAM-0000343 2014 NZCorC 16	Catch Words Traumatic Asphyxia, Farming, Power Takeoff (PTO), Driveshaft Link to Summary and Recommendations http://www.nzlii.org/nz/cases/NZCorC/2015/16.html Response from WorkSafe New Zealand and Federated Farmers No response received

Case Study: Overseas Drivers and Motor Vehicle Crashes

The purpose of this case study is to look at deaths resulting from motor vehicle crashes involving overseas drivers.

Overseas driving-related deaths at a glance

There have been approximately 1515 motor vehicle deaths between 2010 and 2014. Of this, approximately 101 involved overseas drivers.

Year of death	Total No. of deaths	Deaths where overseas drivers were involved in crash	Deaths where overseas drivers were at fault	Deaths where failing to adjust to local conditions was a contributing factor
2010	375	20	14	7
2011	284	17	16	7
2012	308	28	25	13
2013	253	13	13	9
2014	295	23	22	10

Note: These statistics can be found on the NZTA and the Ministry of Transport websites.

Coroners have made comments and recommendations in 8 of these cases. An outline of these cases and the comments and recommendations, and any responses received, can be found in the following section.

This data is gathered from the New Zealand Transport Agency website, the Ministry of Transport website and data held by the Coronial Services Unit, New Zealand.

Background

In the 5-year period from 2010 to 2014, 5.7 percent of crashes resulting in death or injury involved a driver holding an overseas licence. This statistic varies when narrowed to a particular region, with the South Island tourist areas contributing to a large portion of crashes involving overseas drivers. The statistics can also vary when separated into short-term visitors and migrants. Approximately half of fatal crashes involving overseas licence holders were contributed to by a failing to adjust to New Zealand rules or conditions. For more information see 'Overseas driver crashes 2015' on the Ministry of Transport website:

<http://www.transport.govt.nz/assets/Uploads/Research/Documents/Overseas-drivers2015-15Jun15.pdf>

The legislative and regulatory framework

The Coroners Act 2006 – Decision whether to open and conduct an inquiry

When a coroner decides whether or not to open and conduct an inquiry, he must determine whether or not the death appears to have been natural; whether it is a result of the actions or inactions of any other person; the existence of any allegations, rumours, suspicions, or public concern; and the extent to which publicising the

circumstances of the death may be likely to reduce the chances of the occurrence of other deaths in similar circumstances.¹

A coroner may make specific public recommendations or comments about a death in order to reduce the chances of other deaths occurring in similar circumstances.

A coroner is likely to open and conduct an inquiry following deaths from motor vehicle crashes, and where appropriate, make recommendations targeted at preventing deaths in similar circumstances in the future. This includes factors such that a driver involved in a crash is an overseas driver and is not familiar with the local driving conditions.

The Land Transport (Driver Licensing) Rule 1999

The Land Transport (Driver Licensing) Rule 1999 sets out the licensing requirements of overseas drivers. These requirements were further enhanced when the Driver Licensing Amendment Rule 2006 came into force.

Clause 88 of the Land Transport (Driver Licensing) Rule 1999 provides that a person who arrives in New Zealand is deemed to hold a New Zealand driver licence of a class that entitles him or her to drive a vehicle that he or she is entitled to drive under their valid overseas licence. In order to obtain their overseas licence the person is required to prove their driving competence to the overseas authority. An international driving permit is also recognised as valid under this rule.

However, clause 88(2) states that the above provision only applies where the overseas driver licence or permit is written in English, or the person also carries an accurate translation of the licence or permit. The Rules provide that an accurate English translation means a translation prepared by (a) a diplomatic representative at a high commission, embassy, or consulate; or (b) the overseas issuing authority; or (c) a translation service acceptable to the agency. If the person is carrying an international driving permit, they must also be carrying the overseas driver licence on which the permit is based.

Clause 90 is of particular significance as it provides that if the person's overseas driver licence is subject to any condition or is the equivalent to that of a New Zealand learner or restricted licence, the person's New Zealand driver licence must be issued either with similar conditions or as a learner or restricted licence, as appropriate.

A visitor to New Zealand who is deemed to hold a New Zealand driver licence under clause 88 above can continue to drive under that licence until one of the following occurs:

- the person has remained in New Zealand for a continuous period of 12 months; or
- the overseas licence or permit that enabled that person to hold a New Zealand driver licence expires, is suspended, or is revoked; or
- an order is made disqualifying the person from holding or obtaining a driver licence, either in New Zealand or in the jurisdiction that granted the overseas driver licence or permit; or
- the person obtains or renews a New Zealand driver licence.

Under clause 89 of the Land Transport Rule 1999, a person is entitled to apply for, and be issued with, a New Zealand driver licence to drive the same class or classes of vehicle if that person holds an overseas driver licence or permit of a type specified in clause 88(1)(a), even if that overseas licence has expired within the previous 12 months.

Before a New Zealand driver licence can be issued the person must:

- comply with the general requirements regarding applications for drivers' licences under the Rules

¹ Other considerations are the desire of any members of the immediate family of the person, who is or appears to be the person concerned, that an inquiry should be conducted; and any other matters the coroner thinks fit.

- produce their overseas driver licence (and an accurate translation if this is not in English)
- sign a statement that their overseas driver licence or permit is not suspended or revoked and that they are not disqualified from holding or obtaining a driver licence or permit in the country where their overseas licence or permit was issued
- produce a medical certificate issued in New Zealand if the person is applying for a Class 1 to 5 New Zealand driver licence (for medium and heavy vehicles) or is 75 years of age or over
- surrender his or her overseas driver licence or permit if that is the requirement of the licence recognition arrangement between the jurisdiction of their overseas licence and New Zealand.

However, a person applying for a New Zealand licence under clause 89:

- does not have to pass the required theory test if the licence they are applying for is a car (Class 1 licence) or a motorcycle (Class 6 licence) *and* they hold a valid overseas driver licence or permit issued in one of the countries specified under the Rules (note that this does not include China)²
- is not required to sit the appropriate practical driving test under the Rules if that person has, for at least 2 years, held a valid overseas driver licence or permit issued in one of the countries specified under the Rules (note that this does not include China)³
- does not have to comply with the minimum time requirement prescribed under the rules regarding the length of time an individual is required to hold a learner or restricted licence before moving on to the next level of licence. Importantly however, a driver licence will not be issued to a person under clause 89 if doing this would be to allow the person to obtain a driver licence at an earlier age than the minimum ages prescribed by the rules.

Where a person complies with all the requirements outlined above they are entitled to be issued with either a driver *learner* licence issued subject to the conditions specified in the Rules⁴; or a motorcycle (Class 6) learner licence. The conditions imposed on those holding a learner licence still apply until the person passes the appropriate practical driving test required under the Rules.

The Land Transport Act 1998

Section 5(1)(b) of the Land Transport Act 1998 (LTA) states that a person may not drive a motor vehicle on a road in violation of the conditions of the person's driver licence. This means that if there are any conditions pertaining to the overseas issued driver licence that restrict the driver (such as a requirement for a supervisor or glasses while driving), those conditions would also apply to the driver using that licence in NZ.

Section 5(4) of the LTA imposes a requirement on all drivers to carry their driver licence with them while driving, so that it can be produced without delay for inspection when required by an enforcement officer.

Drivers are not required to be NZ residents before obtaining a NZ licence (unlike the United States of America where you must be a citizen or have a residence permit before obtaining a US licence). Once NZ residency is granted, drivers with a current/valid overseas licence can continue to use a current/valid overseas licence provided they have entered/re-entered NZ within the previous 12 months.

International Instruments

United Nations Convention on Road Traffic 1949

² Australia; Austria; Belgium; Canada; Denmark; Finland; France; Germany; Greece; Ireland; Italy; Japan; Luxembourg; Norway; Portugal; South Africa; Spain; Sweden; Switzerland; The Netherlands; United Kingdom; United States of America.

³ As above.

⁴ The holder of a learner licence is authorised to drive a vehicle (to which their particular class of learner licence relates) under the following conditions: they must be accompanied by a person sitting in the front passenger seat who has held a full New Zealand licence for 2 years (or holds a New Zealand driver licence and has held for at least 2 years the equivalent of a full New Zealand licence in a jurisdiction other than New Zealand); and they must display 'L' plates. In the case of those driving mopeds or motorcycles under a Class 1L licence or Class 6L licence, other specific conditions apply (see clause 16).

New Zealand is party to international instruments which are essential to the legal framework governing licensing of overseas drivers in New Zealand.

The 2006 Amendments clarified that a current overseas driver licence is valid for use in New Zealand for multiple periods of up to 12 continuous months. This means that each time you arrive in New Zealand you can drive for a further 12-month period. The previous situation, which did not explicitly provide for this flexibility, was seen as a potential barrier to tourists making repeated visits to New Zealand and was considered to be inconsistent with the 1949 Geneva Convention on Road Traffic, an international agreement with which New Zealand is obliged to comply as a signatory.

1949 Geneva Convention on Road Traffic

The 1949 Geneva Convention on Road Traffic seeks to promote road safety by establishing uniform rules across borders. This includes provisions for an international driving permit as well as for cross-border recognition of foreign drivers licences.

The convention provides in Chapter V that every Contracting State must allow any driver who has a valid overseas driver licence to drive the motor vehicle for which the licence has been issued on its roads, without further examination. The Contracting State *may* also require the overseas driver to carry an international driving permit. A template for the driving permit is set out in Annex 10 to the convention.

NZTA noted that these arrangements under the 1949 Convention are reciprocal and place reciprocal obligations on signatory countries, meaning that New Zealanders can expect to have driving privileges on a NZ driver licence for up to 12 months while travelling overseas without the need to undertake foreign driving tests or examinations beforehand.

1968 Vienna Convention on Road Traffic

The 1968 Vienna Convention on Road Traffic entered into force on 21 May 1977 and replaced previous road traffic conventions, most notably the earlier 1949 Geneva Convention on Road Traffic, in accordance with Article 48 of the convention. The 1968 Convention has been ratified by 70 countries, but those who have not ratified the convention may still be parties to the 1949 Convention on Road Traffic. New Zealand is not presently a party to the 1968 Vienna Convention.

Article 41 of the 1968 Vienna Convention describes requirements to drivers licences. The key aspects of these are:

- Every driver of a motor vehicle must hold a driver licence
- Drivers licences can be issued only after passing theoretical and practical exams, which are regulated by each country
- Contracting Parties shall recognize as valid for driving in their territories:
 - i. domestic driver licence conforming to the provisions of Annex 6 to the convention
 - ii. international driver licence conforming to the provisions of Annex 7 to the convention, on condition that it is presented with the corresponding domestic driver licence
- Drivers licences issued by a Contracting Party shall be recognized in the territory of another Contracting Party until this territory becomes the place of normal residence of their holder
- All of the above does not apply to learner-driver licences
- The period of validity of an international licence shall be either no more than 3 years after the date of issue or until the date of expiry of the domestic driver licence, whichever is earlier
- Contracting Parties may refuse to recognize the validity of driver licences for persons under 18 or, for categories C, D, CE and DE, under 21

- An international driver licence shall only be issued by the Contracting Party in whose territory the holder has his normal residence and which issued the domestic driver licence or which recognized the driver licence issued by another Contracting Party; it shall not be valid for use in that territory.

Key organisations

The New Zealand Transport Agency is focussed on ensuring that everyone using New Zealand roads has a safe journey; that includes Kiwis as well as tourists and recent arrivals to our country. The agency has urged tourists and recent arrivals to take advantage of the good, free information that is available for them.

Recommendations made by coroners (NZ)

CASE NUMBER

CSU-2011-CCH-000472

DATE OF FINDING: 19 June 2012

CIRCUMSTANCES

The deceased, an Australian citizen visiting New Zealand, died in a road crash. The deceased and his co-worker were travelling in a northeasterly direction along Taylorville Road, approximately 2 km east of the intersection with State Highway 6. It had been a very cold and frosty night and their vehicle slid on an icy road surface on a moderate right-hand S-bend and rolled over a steep bank. Both men were wearing seatbelts. The deceased was described as a careful and experienced driver but he was not experienced in driving in frosty and icy conditions. Although the speed at which he was travelling would have been appropriate in normal conditions, with local knowledge he would prudently have been travelling at a lesser speed. Not being a local driver, the deceased did not sufficiently recognise the potential hazard and was not receiving immediate advice from road signs or other markings.

Road marker posts in the crash area were spread apart at irregular distances in excess of 100m. Only one reflectorised road marker post was visible on the outside of the curve to drivers travelling northeast around the left-hand curve approaching the area of loss of control. A sign indicating slippery road and ice conditions was located some 1.3km back from the crash scene. The road contractor had treated the road surface for ice prevention the previous evening, and again that morning. A surface coating left by the de-icing/anti-icing agent calcium magnesium acetate (CMA) treatment and some traffic passing over it may have contributed to the slippery surface that the deceased's vehicle struck.

RECOMMENDATIONS AND COMMENTS

The coroner commented that as the absence of reflective road marker posts and the position of the signs in the vicinity of the crash site have now been remedied, he makes no formal recommendations to the road controlling authority (Grey District Council) relating to the immediate section of the road where the crash occurred.

The coroner observed that the road controlling authority remains responsible even though the road contractors may be contracted to carry out certain tasks. This is recognised in the road safety report completed by the transport engineer of the Grey District Council.

The coroner directed the following recommendations to the chief executive of Grey District Council and other road controlling authorities with responsibility for roads that are prone to winter ice conditions:

- that the road controlling authority maintains a record of the approved location of all permanent warning signs
- that the maintenance contractor maintains a record of the location of temporary warning signs, in particular for ice hazard conditions, and regularly keeps the road controlling authority updated as to the location of these signs

- in addition to the requirements of the contractor to inspect, replace and maintain existing traffic signs, the road controlling authority carries out at least an annual audit of the location of all approved permanent warning signs throughout the district
- in addition to the requirements of the contractor to inspect, replace and maintain existing edge-marker posts the road controlling authority carries out at least an annual nighttime audit of the location of edge-marker posts throughout the district
- that the practice adopted by some road controlling authorities of covering over curve advisory speed signs during hazardous conditions be investigated for icy road conditions.

CASE NUMBER

CSU-2012-DUN-000026

CSU-2012-DUN-000027

DATE OF FINDING: 21 February 2013

CIRCUMSTANCES

Two individuals died of injuries that they sustained in a motor vehicle crash at the intersection of State Highway 8B and State Highway 6. One of the deceased died of her injuries the day after the crash in hospital. The driver of the vehicle, who died at the scene, failed to give way while turning, as he was directed to by the signage. As a result the car collided with another vehicle. Two other passengers who were in the vehicle survived.

The two deceased were fruit pickers, working in New Zealand on working visas. At the time of the crash the driver may have been tired from the long day's work he had just completed. This may explain why he neither heeded the direction to give way, nor saw the approaching vehicle. He also may have been unfamiliar with the road and traffic conditions.

RECOMMENDATIONS AND COMMENTS

The coroner noted that, at the time of the crash, the area of the intersection of State Highway 8B and State Highway 6 was the subject of a 100km per hour speed limit. Since the crash, a temporary speed limit of 80km per hour was instituted. He also noted and commended the fact the New Zealand Transport Agency (NZTA) has, since the crash, also created safety enhancements for the site. An upgrade has occurred, including the acquisition by the NZTA of land from adjoining owners to open up visibility. The coroner observed that the intersection is in an area of Central Otago which is frequently travelled by visitors to New Zealand who may not always be alert to the hazards created by others who may approach intersections at high speeds. Such drivers may not always be familiar with the signage provided at intersections in New Zealand.

The coroner recommended that a copy of the finding be forwarded to the NZTA, and that they again review the speed limit to ensure that appropriate safe speed limits for the intersection are continued. The coroner also requested that the NZTA continue monitoring the crash site to ensure that the safety enhancements remain appropriate.

CASE NUMBER

CSU-2011-DUN-000509

CSU-2011-DUN-000510

DATE OF FINDING: 5 June 2013

CIRCUMSTANCES

Two tourists from Shanghai, China died on the Milford Road, State Highway 94, of injuries they sustained in a motor vehicle crash. The driver of the vehicle (also a tourist) lost control of the vehicle on a hairpin bend.

Immediately before the crash, the 3 tourists had stopped at a lookout point. It was considered likely that the car's engine was not turned on when they left the lookout and that this was why the car became very difficult to steer. With the engine off, power steering and power braking would have been disabled. Neither of the 2 deceased were wearing seatbelts at the time and they were thrown from the vehicle in the collision. The driver of the car and another passenger survived the crash.

The driver of the vehicle had passed only the theoretical test for a New Zealand driver licence and failed the practical test. Though her application for a New Zealand driver licence had invalidated her Chinese driver licence for use in New Zealand, she had presented her Chinese licence as her valid full driver licence to the car rental agency.

Since the crash it has been agreed that a guard rail be installed on the corner.

RECOMMENDATIONS AND COMMENTS

The coroner recommended to the NZTA and the Commissioner of Police that issues relating to the obtaining and presentation of New Zealand drivers licences to holders of overseas licences be examined to ensure that a stricter enforcement of driver licence requirements for visitors to New Zealand is made.

He also recommended to the NZTA that greater publicity could be given to the passenger obligation to wear seatbelts at all times when the vehicle is in motion.

RESPONSE FROM THE NEW ZEALAND TRANSPORT AGENCY

The NZTA agrees with the inquest findings that the driver was in breach of New Zealand driver licensing requirements, and that seat belts may have made a significant difference to the outcome of the crash for the rear seat passengers.

Driver licence requirements for visitors

The primary provisions for drivers visiting New Zealand are found in clause 88 of the Land Transport (Driver Licensing) Rule 1999 (the Rule).

As a signatory to the United Nations Convention on Road Traffic 1948, New Zealand deems valid and current foreign drivers licences to have the same status as the New Zealand equivalent. However, there are limits to the exercise of that permission, as follows:

- A visitor who remains in New Zealand for more than 12 months is required to convert their overseas licence to a New Zealand driver licence

- The holder of a New Zealand driver licence (learner, restricted or full) is not permitted to drive using an overseas licence.

The driver in this incident was in breach of the restriction placed on a person who had commenced the conversion process. Since she held a New Zealand learner driver licence, which required that she drive accompanied by a supervisor at all times, she was also in breach of the conditions for that New Zealand licence.

In practical terms, however, such offending is very difficult for NZ Police to detect at the roadside if the only driver licence they are shown is an overseas licence. The rental car company would also not have known that the driver was, in this case, in breach of her New Zealand licence condition.

Some Australian driver licence agencies attempted to introduce additional controls into their overseas driver licence conversion processes by marking or hole-punching the overseas licence that is being converted. However, they encountered objections from the countries that had issued the cards on the ground that those nations do not permit alteration of their documents.

NZ Police have identified issues with the existing provision in clause 88 of the Rule. The government therefore sees possible improvements to the way we regulate overseas driver licence use as one of the issues to be considered in a general review of driver licensing provisions, to commence this year or early next year.

Seat Belt use

You have also recommended that more emphasis be given to encouraging the wearing of seatbelts by passengers in moving vehicles.

As a background, NZTA currently promotes seat belt use through

- A brochure called 'What's different about driving in New Zealand' for visitors and immigrants to New Zealand, which is often made available to visitors through rental car companies. The brochures are available in a range of languages including Simplified Chinese and Traditional Chinese.
- The New Zealand Road Code, through the NZTA website.

At an international level, New Zealand has high rates of compliance with restraint requirements (although these do not differentiate between local vehicle occupants and visitors). Ministry of Transport: Seatbelt Survey 2011 details can be viewed through:

www.transport.govt.nz/research/roadsafety-surveys/Pages/safetybeltstatistics-rearseat2011.aspx

At more of a community level, local authorities that have a low seat belt wearing rate may identify this as a local road safety issue to focus on and provide local campaigns and programmes to improve their use. The NZTA supports this activity through financial continued and emerging focus in Safer Journeys but it isn't an area that the national advertising campaign currently focuses on.'

CASE NUMBER

CSU-2012-HAM-000477

DATE OF FINDING: 20 June 2013

CIRCUMSTANCES

The deceased, a man from Colorado, United States of America, died at the intersection of State Highway 3 and Waitomo Caves Road of injuries he sustained in a motor vehicle crash. He had failed to stop at a Stop sign and collided with another vehicle. The large size of the raised islands that separate opposing traffic flows at this intersection makes the position of the Stop line difficult to see. The deceased would also have been unfamiliar with driving on New Zealand roads.

RECOMMENDATIONS AND COMMENTS

The coroner acknowledged that New Zealand Transport Agency (NZTA) is currently investigating options for making this particular intersection safer and he encouraged the NZTA to progress this matter as quickly as possible. He noted that the Waitomo Caves are a very popular tourist attraction and many of those tourists are unfamiliar with New Zealand roads and intersection layouts. It is therefore imperative that intersections such as this are made as safe as possible for the sake of those tourists as well as local motorists.

CASE NUMBER

CSU-2012-PNO-000302

CSU-2012-PNO-000303

CSU-2012-PNO-000304

CSU-2012-PNO-000305

DATE OF FINDING: 17 June 2013

CIRCUMSTANCES

Four men from Argentina died on State Highway 4 between Ohakune and National Park from injuries they sustained in a head-on collision with a truck. The driver tried to overtake other vehicles between two blind corners. The truck driver could see the light of the car coming from the other side of the corner, but did not expect the oncoming vehicle to be in his lane. The driver of the truck, and one passenger of the car, survived the crash, but 4 other occupants, including the driver, died at the scene.

On the stretch of road where the crash happened, the lines separating the north- and south-bound lanes were mainly dotted yellow lines. It was suggested in the Crash Investigation Report completed by Police that these markings be changed to solid double yellow lines to indicate that no passing manoeuvres at all should be undertaken.

RECOMMENDATIONS AND COMMENTS

The coroner recommended to the New Zealand Land Transport Authority, or the relevant authority, that they should paint double yellow no-passing lines at the location of this crash site as soon as possible.

CASE NUMBER

CSU-2012-DUN-000417

CSU-2012-DUN-000472

DATE OF FINDING: 13 November 2014

CIRCUMSTANCES RE GRANT ROBERTS

Grant John Roberts of Timaru died on 26 November 2012 at State Highway 8 of multiple injuries sustained in a motor vehicle accident.

An overseas national was driving a rental car. The driver held a full class driver licence issued in her country of origin. She had limited driving experience and had not driven for 10 months prior to the crash.

Mr Roberts was riding his motorbike in a lawful manner. The overseas national lost control of the rental car and the motorbike and rental car collided. Mr Roberts died at the scene.

Concerns over the rental car driver's ability had been reported to the police. Police had been unable to locate the vehicle at that time. The coroner noted that even if the police had located the vehicle, in the absence of observing or having evidence of dangerous driving, they had limited powers.

CIRCUMSTANCES RE DENNIS PEDERSON

Dennis Michael Pederson of Tauranga died on 26 November 2012 at State Highway 8 of multiple injuries sustained in a motor vehicle accident.

An overseas national was driving a rental car. The driver held a full class driver licence issued in her country of origin. She had limited driving experience and had not driven for 10 months prior to the crash.

Mr Pederson was riding his motorbike in a lawful manner. The overseas national lost control of the rental car and the motorbike and rental car collided. Mr Pederson died at the scene.

Concerns over the rental car driver's ability had been reported to the police. Police had been unable to locate the vehicle at that time. The coroner noted that even if the police had located the vehicle, in the absence of observing or having evidence of dangerous driving, they had limited powers.

RECOMMENDATIONS AND COMMENTS

Comments

To: Hon. Simon Bridges, Minister of Transport, Commissioner of Police Mike Bush, New Zealand Transport Agency, Rental Vehicle Association New Zealand Inc and Tourism Industry Association New Zealand.

- I. In response to widespread public concern arising from the circumstances of this crash and other injuries and fatalities arising from crashes involving overseas nationals in New Zealand, the NZ Transport Agency and other government and industry groups including Rental Vehicle Association New Zealand Inc. are working closely on enhancing safety in respect of overseas drivers. The New Zealand Government's road safety strategy to 2020, *Safer Journeys*, a Safe System signature project, focuses on 'visiting drivers.'
- II. The House of Representatives has received a petition of Sean Roberts and Cody Roberts, signed by 31,250 people calling for foreign drivers to be required to sit a driving test before driving in New Zealand. The petition has been referred to the Transport and Industrial Relations Committee.
- III. This case has highlighted an urgent need for legislative change to assist police in more effectively dealing with unsafe drivers and to allow the prohibition of driving on the basis of demonstrable lack of ability. There is clear evidence before the Court and in particular that of Senior Sergeant Fookes, Officer in Charge, Queenstown Police, of the urgent need for extension of police powers in this manner.

IV. It has also highlighted that an overseas visitor to New Zealand with nil or inadequate driving experience can be deemed to hold a full New Zealand driver licence.

Recommendations

To: Hon. Simon Bridges, Minister of Transport (as to recommendations I-IV), Commissioner of Police Mike Bush (as to recommendations I-III), and Rental Vehicle Association New Zealand Inc (as to recommendation IV),

- I. That police be given the powers to effectively deal with unsafe drivers and to allow the prohibition of driving on the basis of demonstrable lack of ability. There is clear evidence before the Court of the urgent need for extension of police powers in this manner.
- II. That the Minister of Transport in consultation with the Commissioner of Police gives priority to consideration of the means of achieving such powers including amendment to section 121, Land Transport Act 1998.
- III. That the Minister of Transport gives consideration to:
 - i. The means of preventing an overseas visitor to New Zealand with nil or inadequate experience of driving, being deemed to hold a full New Zealand driver licence solely on the basis of a driver licence obtained overseas.
 - ii. Whether New Zealand domestic law, including clauses 88 and 89, Land Transport (Driver Licensing) Rules 1999, should continue to cover all overseas jurisdictions [].
- IV. That the Minister of Transport in consultation with the Rental Vehicle Association New Zealand Inc.:
 - i. Gives consideration to means of assessing driving competency of overseas visitors as a pre-requisite to entering into any vehicle rental agreement, and that if required, appropriate funding be considered to achieve such an outcome;
 - ii. Gives consideration to all rental vehicle operators being bound by a code of practice applicable to the industry, either through membership of Rental Vehicle Association New Zealand Inc. or a similar organisation, and if necessary with legal mandate to enforce such a requirement.

RESPONSE FROM THE MINISTER OF TRANSPORT

The Transport and Industrial Relations Committee is considering a petition to Parliament. The petition proposes that foreign drivers should be required to sit a driving test before being allowed to drive in New Zealand. The Ministry of Transport considered the coroner's recommendations at the same time it investigated the proposal in the petition. I have provided the government's response to each of the 6 recommendations.

Police Powers

The coroner raised concerns about the adequacy of Police powers to deal effectively with incompetent drivers. He made the following recommendations:

- a) That police be given the powers to effectively deal with unsafe drivers and to allow the prohibition of driving on the basis of demonstrable lack of ability. There is clear evidence before the Court of the urgent need for extension of police powers in this manner.
- b) That the Minister of Transport in consultation with the Commissioner of Police gives priority to consideration of the means of achieving such powers including amendment to section 121, Land Transport Act 1998.

The Ministry of Transport has examined the relevant legislation. It acknowledges that the provisions of section 121 of the Land Transport Act 1998 (the Act) would not allow the Police to prohibit drivers to drive on the basis of a perceived lack of driving competency.

I have asked the Ministry to investigate this proposal further, in consultation with other relevant government agencies. This is to determine whether a legislative amendment to s 121 of the Act is required and if so, what form the amendment should take. If the government supports an amendment to s 121, this will be included in the next Land Transport Amendment Bill.

In the meantime, you may be interested to know that the Rental Vehicle Association (RVA) has amended its standard form for rental contracts. This will enable operators to immediately cancel the contract in the event that the hirer's driving poses a danger to themselves or others on the road.

Land Transport (Driver Licensing) Rule 1999

The coroner highlighted concerns that an overseas visitor with nil or inadequate driving experience could be deemed to hold a full New Zealand driver licence. He also noted that the that New Zealand's domestic law in clause 88 of the Land Transport (Driver Licensing) Rule 1999 (the Rule) requires New Zealand to allow all holders of current and valid driver licences to drive in New Zealand for a period of up to 12 months. This included licences issued by countries that are not Contracting States to the UN Convention on Road Traffic 1949 (the Geneva Convention) to which New Zealand is Contracting State. He made the following recommendations:

That the Minister of Transport gives consideration to:

- a) The means of preventing an overseas visitor to New Zealand with nil or inadequate experience of driving, being deemed to hold a full New Zealand driver licence solely on the basis of a driver licence obtained overseas.
- b) Whether New Zealand domestic law, including clauses 88 and 89, Land Transport (Driver Licensing) Rule 1999, should continue to cover all overseas jurisdictions [].

The government does not support the first recommendation. There does not appear to be any practical or cost effective way for the NZ Transport Agency to consider and independently verify evidence of an overseas visitor's past driving experience. In relation to the second recommendation, the government does not support amending the Rule to cover only those countries that are contracting States to the Geneva Convention. While this change would exclude China, all of the other countries that are not Contracting States to the Convention would have to be excluded on the same basis. The primary purpose of the Convention is to facilitate mobility. The status of a country (in relation to whether it is a Contracting State to the Convention) would not provide a valid basis for determining the competency of its drivers. Excluding countries on this basis would lead to anomalies that the government would have difficulty justifying on the grounds of road safety and fairness.

Rental Vehicles

The coroner raised concerns that rental vehicle operators do not have mandatory obligations to assess the driving competency of drivers who are renting vehicles from them. He made the following recommendations in relation to rental vehicles:

That the Minister of Transport in consultation with the Rental Vehicle Association New Zealand Inc.:

- a) Gives consideration to means of assessing driving competency of overseas visitors as a pre-requisite to entering into any vehicle rental agreement, and that if required, appropriate funding be considered to achieve such an outcome
- b) Gives consideration to all rental vehicle operators being bound by a code of practice applicable to the industry, either through membership of Rental Vehicle Association New Zealand Inc. or a similar organisation and if necessary with legal mandate to enforce such a requirement.

The Government supports rental operators taking more responsibility for safety of their customers. It does not consider it is necessary for the State to impose mandatory requirements on rental vehicle operators to assess the driving competency of potential customers as a condition of hiring vehicles to them. The Safer Journeys Tourism Forum (a tourism industry group) has recently published best practice guidelines for members and rental vehicle operators. The guidelines include questions that rental operators can use to elicit information about a potential customer's driving experience. The government strongly encourages rental operators to use the best practice guidelines. Some rental operators have started developing and applying their own assessment tools. This is to assist them to make business decisions about whether customers are competent to drive their vehicles.

In conclusion, I appreciate the concerns that the coroner has brought to my attention in his investigation into the circumstances of this case. This crash has had a tragic outcome for the deceased, others involved in the crash, and their families and friends. The government is taking safety issues relating to visiting drivers very seriously. There is a great deal of work that is currently being undertaken through the Visiting Drivers Signature Project which is operating in the Queenstown-Lakes, Southland and Westland Districts. I am hopeful that the actions taken in this project will assist to avoid further tragedies of this nature.

CASE NUMBER

CSU-2013-CCH-000518

CSU-2013-CCH-000519

DATE OF FINDING: 17 February 2015

CIRCUMSTANCES

Connor Patrick Josaphat Hayes and Joanna Lam of Canada died on 10 September 2013 at Haast Pass of high energy impact injuries to the head, chest, spine and limbs. Miss Lam and Mr Hayes were tourists travelling in New Zealand in a rented campervan along State Highway 73 towards the Haast Pass, Makarora and Wanaka. Three vehicles following 5 minutes behind the campervan were halted by a small slip and tried to contact the campervan, which had returned back to the other side of the slip, but were unable to do so. The 3 cars returned to Haast. On the morning of 11 September, State Highway 73 was checked and a much larger slip was found approximately 785m from the small slip. This was caused by an extreme rain event coupled with already saturated terrain. The road had been closed but that was after the campervan and following cars had passed through the area. This completely blocked the roadway and debris had fallen into the river. When it was later discovered that the campervan had not arrived at its destination, a search was undertaken and the remains of the campervan and debris were located on the 17 September 2013 approximately 239m m downriver. The body of Miss Lam was found on 20 September 2013 and Mr Hayes' body has not been found. The post-mortem examination of Miss Lam determined that the death was due to high energy impact injuries to the head, chest, cervical spine and limbs. The evidence shows it is possible that the caravan was struck by an avalanche of rocks, trees and associated debris.

RECOMMENDATIONS AND COMMENTS

The coroner endorsed the following recommendations made by the Rationale Report for New Zealand Transport Agency (NZTA) by Edward Guy, a consultant engineer, noting that some of these have already been implemented:

- A. I recommend that NZTA continue with the review of the infrastructure needs for communication on State Highway 6. NZTA advise that radio repeater stations have been placed to ensure adequate monitoring of the Diana Falls slip. NZTA should ensure that, to the extent practicable, radio communications are made available to the full length of State Highway 6.
- B. I recommend that a Variable Message Signage board (VMS) be installed and maintained both at or near the Haast Township and at or near the Makarora Township to give travellers on State Highway 6 constantly updated advice on road and travel conditions.
- C. I recommend that NZTA continue with and enhance the existing State Highway Emergency Procedures and Contingency Plans and improve the Cross-Boundary Co-ordinating Procedures (CBCP) which are already in place.
- D. I recommend that physical barriers (gates) be provided and maintained at the entrance/exit points of State Highway 6 at points where there are adequate routes to retreat from such barriers in safety.
- E. I recommend that NZTA consider the enhancing of pamphlet and web advice given to tourist drivers visiting New Zealand, emphasising the hazardous weather and road conditions which could affect our remote State Highway system.

RESPONSE FROM THE NEW ZEALAND TRANSPORT AGENCY

Response to Recommendation A: As noted in the above recommendation, the Transport Agency has installed repeater stations in the Diana Falls vicinity to improve communication in the Haast Pass area. The NZTA will also continue to review the adequacy of the extent of communication coverage provided on State Highway 6.

Response to Recommendation B: Variable message sign boards (VMS) are to be installed in April at:

- State Highway 6, Haast Township
- State Highway 6, Makarora Township

Response to Recommendation C: The Transport Agency will continue to review and enhance our State Highway Emergency Procedures and contingency plans while making improvements to cross net-work boundary emergency/event response co-ordination.

Response to Recommendation D: Road gates have been installed by the Transport Agency on the Haast Pass and these gates will be used when needed to prevent drivers from using the road during adverse conditions.

Response to Recommendation E: The New Zealand Transport Agency will continue to review its channels: web-based, media and print to highlight and effectively communicate to tourist drivers road condition information and the likely impact of impending weather systems and localised weather events.

The Transport Agency is also working with the Ministry of Transport, NZ Police, local government and the tourism industry in a visiting drivers' signature project. The aim of this project is to improve the safety of visiting drivers.

The project takes a safe system approach and looks at strengthening all parts of the system, increasing the safety of vehicles, speeds, road users and roads and roadsides.

Initiatives being carried out as part of the project include working with the tourism industry to develop better way of providing information about NZ driving conditions to visitors, including developing a user-friendly website, accurate travel time information, and guidelines for tourism and rental.

CASE NUMBER

CSU-2013-CCH-000674

DATE OF FINDING: 06 March 2015

CIRCUMSTANCES

Taewook Kim of Korea died on 30 November 2013 at the intersection of State Highway 8 and State Highway 80 near Twizel, of injuries sustained in a motor vehicle crash.

On the approach to the intersection there is a pre-warning sign for the Give Way sign, located 200m ahead of the intersection. At the intersection itself the Give Way sign is mounted on a post on the northern side of the road. At the intersection there is a white limit line and a clearly painted white triangle in the middle of the lane.

Mr Kim failed to comply with the Give Way sign by stopping his car. He instead drove into the intersection. His car was struck by an oncoming truck being driven in a lawful manner.

RECOMMENDATIONS AND COMMENTS

I intend to release a copy of this finding to NZTA, in preparation for my making a recommendation that an investigation be undertaken to establish whether or not the signage at the intersection is appropriate or whether it could be enhanced for the further and future protection of road users.

It is noted that Taewook Kim was, at the time of his death, a tourist to New Zealand. There is no evidence that he was unfamiliar with New Zealand road conditions nor that he was driving negligently, but a lack of recognition of an obligation to comply with road rules, or to take into account road conditions, may have been a contributor to the incident.

RESPONSE FROM THE NEW ZEALAND TRANSPORT AGENCY

As part of our investigation, as per recommendation (16), the Transport Agency has analysed the police reported crashes at this intersection in the last 10 years. Of the 11 reported crashes, there have been 1 categorised 'Fatal' (subject of the coroner's recommendation), 2 categorised 'Minor', and 8 categorised 'Non-Injury'. There appears to be no single vehicle loss of control crashes identified at this intersection where a vehicle on State Highway 80 has missed the intersection.

While the crash history does not suggest that there is an issue with visual identification of an intersection by a motorist travelling on SH80, it is agreed that the topography of the intersection, and particularly the way the line markings, are laid out, could send mixed signals to a motorist in the absence of advice given by other signage.

The Agency proposes to undertake the following:

1. Relocate the advanced direction sign (showing a T intersection with Lake Tekapo, Timaru and Christchurch to the left as well as Twizel and Queenstown to the right) approximately 600m in advance of the intersection.
2. Install a yellow and black chevron sign pointing left and right opposite the intersection.
3. Straighten the continuous lane line marking on approach to reduce the appearance of a sweeping curve to the right.
4. Give future consideration to the installation of a gated Give Way sign at this intersection. This would require a solid island and the installation of appropriate lighting.

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