

Questions for your submission

This submission form is intended to be used alongside the consultation document to guide your feedback. Please give reasons for your answers or in support of your position so that your viewpoint is clearly understood, and also to provide more evidence to support decisions.

You can send us a written submission focusing on the questions in this document that are relevant to you by completing all or part of this submission template.

Please email your written submission to ca.act@transport.govt.nz with the word "Submission" in the subject line, or post it to:

Civil Aviation Act Review
Ministry of Transport
PO Box 3175
Wellington 6140

The deadline for all forms of submission is 31 October 2014.

Your role

Your name

Your email address

[Redacted]
[Redacted] @ cta-aviation.com
*Why is your email needed?
Your email address is needed in case we need to contact you with any questions about your submission.*

1. What is your interest in Civil Aviation Act and Airport Authorities Act Review?

Are you:

- ☐ A private individual?
☒ Part of the transport industry?

2. If you are part of the sector, please describe your role:

CTC Aviation provides pilot training service, to both NZ and overseas trainee.

In this submission, we will submit only in questions we have vested interest in.

Item A3.4: Independent statutory powers

Question A3.4: Should independent statutory powers continue to reside with the Director of Civil Aviation?

☒ Yes

☐ No

Please state your reasons here.

Part B: Safety and security

Entry into the system

Item B1: Provisions relating to fit and proper person assessment

Question B1a: Which option do you support?

- ☐ **Option 1:** Status quo – no change to the matters which the Director should consider when undertaking a fit and proper person test
- ☒ **Option 2:** Align the fit and proper person test in the act with other transport legislation (Ministry of Transport preferred option)
- ☐ **Some other option** (please describe):

Please state your reasons here.

Agreed to MOT Assessment.

Part B: Safety and security

Question B1b: Are there any issues with the provisions in Part 1 or 1A of the Civil Aviation Act 1990 that you think should be addressed? If so, what options do you propose to address the issue(s)?

The current fit & proper test can be very onerous and be a detriment for people outside of the industry to join. We suggest that

① Have a different level of assessment made depending on the role. (Risk based approach).

② Ability to conduct test quicker and faster to provide candidates more certainty to join ~~and be attractive~~ the industry.

Medical certification

Item B3: Certification pathways and stable conditions

Question B3a: Which option do you support?

- ☐ **Option 1:** Status quo – two pathways for medical certification
- ☒ **Option 2:** Develop a third pathway for medical certification for individuals affected by stable, long-term or fixed conditions.
- ☐ **Some other option** (please describe):

Please state your reasons

A third pathway provides individual affected by stable, long-term conditions an easier pathway to deal with medical certification.

Part B: Safety and security

Question B3b: What savings would likely occur from a third pathway to medical certification?

Saving of time and continuous effort, and potentially medical costs of the affected individuals.

Part B: Safety and security

Item B4: Provision for the recognition of overseas and other Medical Certificates

Question B4a: Should the Act allow the Director to recognise medical certificates issued by an ICAO contracting State?

- ☐ Yes
- ☒ Yes, but only those without any operational endorsements issued by States with a robust aviation medical certification regime
- ☐ No

Please state your reasons

The current regime are very onerous for overseas student whereby they may need to obtain their own local medical and then a NZ medical. And the fact is that majority of the examinations are the same.

As long as CAA is comfortable the overseas regime is robust, there are minimal risks.

Question B4b: Should the Director of Civil Aviation or the State that has issued the medical certificate provide oversight?

No - the issuing State to provide oversight.

Item B5: Medical Convener

Question B5a: Which is your preferred option?

- ☐ **Option 1:** Status quo continue: Medical Convenor retained (Ministry of Transport preferred option)
- ☒ **Option 2:** Status quo continues and a separate fee for the Medical Convener is charged to applicants
- ☐ **Option 3:** Disestablish Medical Convener role
- ☐ **Other option:** please describe

Please state your reasons here

We prefer option 2 whereby it gives applicants the ability to appeal. We recommend the cost to be born by applicants if applicant is unsuccessful, and to be born by the authority if the application is successful.

Appeals

Item B8: Appeals process

Question B8a: Should a specialist aviation panel or tribunal be established in addition to the current District Court process?

☒ Yes

☐ No

Please state your reasons:

Going through the District Court process can be very lengthy and a decision on revoke or suspension can be critical to survival of a business, if a resolution cannot be provided on a timely manner.

Questions B8b: How much would you be prepared to pay for a panel review?

Similar to medical consumers, we recommend the cost of panel view to be born by applicant if the application is unsuccessful, and to be born by the authority if the application is successful.

Rules and regulatory frameworks

Item B9: Rule making

Question B9a: What enhancements could be made to the rule-making process?

Question B9b: Which is your preferred option?

- ☐ **Option 1:** Status quo – no change
- ☒ **Option 2:** Power for Civil Aviation Authority Board (CAA Board) to make temporary rules
- ☐ **Option 3:** Power to enable the Minister to delegate some of his/her rule-making powers to the Director or CAA Board
- ☐ **Option 4:** Creation of a new tertiary level of legislation (e.g. Standards)
- ☐ **Some other option:** Please describe

Part B: Safety and security

Question B9c: If you prefer Option 3 (Delegation of some of the Minister's rule-making powers to the CAA Board or Director), what matters should the Director or CAA Board be delegated to make rules for?

Question B9d: Is a 'first principles' review of rule-making required to consider the out of scope options (paragraphs 183 – 187) in more detail?

☒ Yes

☐ No

Please state your reasons:

Should not be rule out as part of the
consideration.

Information management

Item B11: Accident and incident reporting

Question B11a: What are the barriers to fully reporting accidents and incidents to CAA?

The cultural within CAA does not truly support 'just cultural'. ~~Incident~~ or Number of incidents and occurrence are always used by CAA as a key tool to define safety of an organisation, ~~or~~ or whether CAA determines risk of the organisation. This approach leads to organisation unwilling to fully report.

Question B11b: What could be done to overcome the barriers in Question B11a?

Reporting not only be encouraged by CAA, but rewarded.

Partnership is the key. Working with organisation to understand the trend, reasons and assist them to improve.

Item F1: Airways' statutory monopoly

Section 35 of the Civil Aviation Amendment Act 1992 provides for the repeal of Airways' statutory monopoly on a date to be appointed by the Governor-General by Order in Council.

We recommend:

- repeal of Section 35 of the Civil Aviation Amendment Act 1992; and
- the retention of Section 99 of the Civil Aviation Act 1990 (which provides for Airways to be the sole provider of area control services, approach control services, and flight information services).

Question F1: Do you agree with our recommendation?

☐ Yes

☒ No

Please state your reasons:

The decision to remove the monopoly status was agreed upon in 1991 by Cabinet. What we need is a date to be set by Governor-General by Order in Council.

The argument of maintaining a safe aviation system is invalid as any new player would require to meet Part 172.

We believe a date should be set as originally intended in 1991.