



JULY 22, 2019

Ministry of Transport
PO Box 3175
Wellington 6140

Email to: ca.bill@transport.govt.nz

Dear Sir/Madam,

Submission on the exposure draft of the Civil Aviation Bill

Thank you for inviting our feedback on the proposed changes to the Civil Aviation Act.

The New Zealand Parachute Industry Association (NZPIA) represents twelve commercial parachute operations in NZ. We support the submission made to you earlier today by IQ Aviation, and have also prepared our own submission to emphasize areas of specific importance.

Protection of safety information (a 'Just Culture' approach)

The NZPIA supports the inclusion of Just Culture principles in the Act, however we feel that the proposed protections are not broad enough. The protections should apply to occurrences that are reported under the Act but also to information that is not reported but where the participant legitimately thought they were reporting all necessary details in a complete, accurate and timely fashion. For example: non-reportable incidents, incidents the participant justifiably thought were not reportable, information about a reported incident that is not included in the original report but is later uncovered during an audit or investigation, but where there was no deliberate attempt to conceal the information.

Also, will information from third parties be protected? The NZPIA collects incident and accident data from industry participants for statistical purposes. If the NZPIA were compelled to share this data with the regulator, and the regulator subsequently used it to bring a prosecution, the consequence of that would be that participants would no longer share information with us, and that could have an adverse effect on safety within our industry.

Drug and alcohol regulation

The NZPIA does not support the introduction of drug and alcohol testing requirements in legislation but does support introducing such requirements into the Civil Aviation Rules.

The NZPIA supports mandatory random and post-accident drug and alcohol testing of participants in safety-critical roles in commercial aviation by the regulator or other agency contracted by the regulator (e.g. police).

The NZPIA does not support a requirement for commercial operators to have their own drug and alcohol testing regime, as this is too costly, technical and logistically difficult for small and/or remote operations. For example, how does a one-man operation carry out "random" tests on himself, and how can he satisfy the regulator that there is no conflict of interest in doing so? Far better for the testing to be administered by the regulator.

(NOTE: The Adventure Aviation sector, including commercial parachuting, is already subject to a Rule requirement to have a CAA-approved DAMP.)

Offences and penalties

The NZPIA does not support the omission of the word “intentionally” from the proposed section 102. It is quite possible to accidentally forget to disclose or not fully disclose information, and participants shouldn’t be unfairly penalised for unintentional overlooking something. To do so would be contradictory to Just Culture principles.

Offence provisions relating to the Levies Order

The NZPIA does not support the proposed changes to the fees and levies charging regime. The current regime is far from ideal, but the proposed changes do not make it any better and in fact make it worse by making it even harder to oppose future levies/increases to existing levies.

The NZPIA does not support removing the requirement for the Minister to “be satisfied that the CAA’s income from other sources is not or will not be sufficient to enable it to perform its functions under this Act without the imposition of a levy.” This would give the regulator carte blanche with regard to imposition of levies.

Thank you again for taking the time to listen to our feedback. And again, please note we also fully support the IQ Aviation submission.

Yours sincerely,



Jennifer Lowe

Chief Executive Officer

New Zealand Parachute Industry Association (NZPIA)