

15A Investigations – a Fair Examination

Section 15A of the Civil Aviation Act 1990 is one of a number of regulatory tools available to the Director to maintain safety and security within the aviation system. While section 15A investigations are a serious step, no document holder subject to one should ever feel like their fate has already been predetermined.

Recently, the CAA introduced a revised section 15A investigation policy, which applies to the holder of an aviation document.

“That could be an organisation or an individual who holds an aviation document issued by the Director,” says Rob McLellan, the CAA’s new section 15A Investigating Officer, following Cathy Penney’s retirement.

There are a number of triggers that could result in a section 15A investigation being determined appropriate.

“It could be repetitive events, a serious occurrence, or the result of a risk assessment activity.”

Steve Pawson, the acting manager of the CAA Regulatory Investigations Unit, says information can come in to CAA from a variety of sources, and the CAA needs to establish its accuracy and reliability.

The Investigation Process

Steve has been involved in developing the new policy, which reflects the CAA’s approach to section 15A investigations.

“The first step is for the CAA to generate a terms of reference document which establishes a scope and focus for the section 15A investigation. This clearly sets out why a decision has been made to trigger the investigation; details of the team/panel; the statutory requirements that apply; and anticipated timeframes for completing the investigation.

“The terms of reference is provided to the document holder to fairly inform them of the existence of the investigation and to clarify how it will be carried out.”

Steve says once an investigation establishes the facts, that information will be assessed to determine the nature and extent of any safety and security risk.

This involves applying the fit and proper person criteria detailed in section 10 of the Act.

“From there, a review can be completed to determine if

regulatory action is required to mitigate or remove that risk to prevent future harm.”

He says the new policy helps ensure section 15A investigations are carried out consistently across the CAA.

“It’s important these investigations are completed in a timely fashion. Also, the document holder shall continue to be treated in accordance with the principles of natural justice.

“It can be very stressful being the subject of one of these investigations and it’s important the affected party is involved in the process from the outset, aware of what it entails, and is given the opportunity to respond.”

It’s Not About Punishment

Rob McLellan says while a section 15A investigation is a serious action to take, its focus is not on punitive action.

“It has the ability to address different areas and take wide-ranging levels of escalating responses to concerns or issues that the CAA may have identified.”

Chris Ford, CAA Deputy Director, Aviation Infrastructure and Personnel Group, says 15A investigations are never intended to result in prosecution.

“They’re actually a forward-looking safety risk management tool, and that’s what the revocation provisions in the Act are about.”

Chris says when the Director does decide to revoke an aviation document, it’s generally because the investigation has revealed information that the holder is no longer fit and proper to hold that aviation document.

That is only one possible outcome though, says Steve.

There are many other intervention options following a section 15A investigation which can be used to remove or mitigate identified areas of potential risk and promote safe outcomes.

The new policy can be found at, www.caa.govt.nz, “Public Info – A to Z Topics – CAA Operational Policies”. ■