

## NEW ZEALAND AVIATION CASES

The following is a list of New Zealand aviation cases compiled by the Legal Service Unit of the Civil Aviation Authority.

The lists have been divided into case law areas. These include a point form list of key words and issues dealt with in the case.

This list will be updated as new cases are decided. If you are aware of a case that should be included please contact the CAA Legal Services Unit on DDI: 04 560 9407.

### CIVIL PROCEEDINGS

#### Judicial Review, Statutory Appeals and Claims in Tort

***Air Chathams Limited & Anor v Civil Aviation Authority of New Zealand & Anor***, [2003, HC CP 146/98] Hammond J

- claim for damages – interim application
- expert evidence
- admissibility

***Air New Zealand et al v Wellington International Airport Ltd et al***, HC [24 September 1992, CA 829/92, AND *Wellington International Airport Ltd v Air New Zealand et al*, [24 September 1992, CA 13/93, McGechan J]

- judicial review of landing fees by Wellington airport
- two proceedings heard concurrently
- debt claim by Wellington Airport for unpaid balance of landing charges
- earlier report in part at [1993] 1 NZLR 671 (final leave granted)

***Air New Zealand Ltd v Director of Civil Aviation***, [2002] HC 3 NZLR 796, Baragwanath J

- judicial review
- International Law
- Chicago Convention
- registration of aircraft
- whether Act of State doctrine applicable
- s6(2) Civil Aviation Act 1990

***Air Transport (Chatham Islands) Limited v CAA***, Wellington DC [18 March 1996, No. 55/96, Ongley J]

- section 66 Appeal
- appeal from decision of Director of Civil Aviation to suspend Air Service Certificate and Pilot's Licence pursuant to s17 of the Act pending an investigation
- suspensions justified because it was necessary in the interests of safety that pilots be objectively assessed for type ratings, instrument ratings and regulation 76 checks
- comments regarding the investigation conducted by the CAA, distinction between compliance issues and safety issues
- appeals dismissed

***Airways Corporation of New Zealand Limited v Geyserland Airways Ltd***, Thorp J, [1994] DCR 1037

- action to recover unpaid landing fees
- ss2, 42,99 Civil Aviation Act 1990; Civil Aviation Act 1964; Civil Aviation Amendment Act (No 2) 1987
- regs 37,91,93,96,149 Civil Aviation Regulations 1953; Civil Aviation Charges Regulations 1965
- s4 State-Owned Enterprises Act 1986
- contract
- refusal to pay Airways charges

***Airways Corporation of New Zealand Limited v Geyserland Airways Ltd; Airways Corporation of New Zealand Ltd v White Island Airways Ltd***, [1996] HC 1 NZLR 116 Thorp J

- action to recover unpaid landing fees
- contract
- refusal to pay Airways charges

***Airwork (NZ) Limited and Vertical Flight Management Limited***, [1998] CA 21 NZLR 641 Thomas, Keith & Salmon JJ

- contract – interpretation - ambiguous terms
- negligence -vicarious liability

***Transport Ministry v Alexander***, [1978] CA 1 NZLR 306 Richmond P, Woodhouse & Cooke JJ

- validity of regulation
- general power to make regulations wide
- no unauthorised sub-delegation
- prohibition

***Attorney General v TAIC, Ansett NZ Ltd, Sotheran, Brown & NZ ALPA*** [18 December 1996, CP 164/96] AND ***NZ ALPA v TAIC, Sotheran, Brown***, [18 December 1996, HC CP 180/96] Panckhurst J

- judicial review of decision of TAIC to incorporate extracts from the CVR
- two proceedings heard concurrently
- s198 Summary Proceedings Act 1957
- s14 TAIC Act 1990
- Civil Aviation Act 1990
- International Law – application of Chicago Convention in New Zealand law, Annex 13 (eighth edition), clause 5.12
- *For appeal see New Zealand Airline Pilot's Association v AG below*

***New Zealand Airline Pilots' Association v Attorney General***, [1997] CA 3 NZLR 269 Richardson P, Henry, Thomas, Keith, Blanchard JJ

- judicial review
- International Law – application of Chicago Convention in New Zealand law, Annex 13 (eighth edition), clause 5.12

- ss4 & 14 TAIC Act 1990
- Civil Aviation Act 1990
- s198 Summary Proceedings Act 1957

***Aviation Industry Association of NZ (Inc) & Others v Civil Aviation Of New Zealand***, [2001, **HC** CP 289/00] Hansen J

- judicial review
- respective powers of the Director of Civil Aviation
- delegated powers of the Principle Medical Officer & Aviation Medical Assessors (focus of proceedings)
- designated Medical Examiners

***Dodwell v Civil Aviation Authority***, [16 November 2001, **HC** CP 189/01], Durie J

- judicial review
- stay of proceedings
- declined relief sought
- natural justice

***Eagle Air Group, Rex Aviation (NZ) Ltd & Air National Ltd v Civil Aviation Authority of New Zealand & et al***, **HC**

- judicial review
- s8, Judicature Amendment Act 1972
- Interim relief sort
- 61, Part 21 Appendix A, Subpart E 61.205, Civil Aviation Rules
- s6, Civil Aviation Act 1990
- Interim relief refused

***Helilogging Ltd v Civil Aviation Authority & Director of Civil Aviation*** [16 December 2004, **HC** CIV2004-485-2558, MacKenzie J]

- order sought by way of interim mandatory injunction or order for mandamus
- s37 Civil Aviation Act 1990
- decision making process
- exemption process for ex-military helicopters
- order sought for Court to impose a timetable on the Director's decision making process
- Court did not decide whether or not it had the jurisdiction to make such an order
- on the facts of this case it was clear that the court would not impose such an order

***Hookings v Director of Civil Aviation***, [1957] **SC** NZLR 929 Turner J

- judicial Review
- Administrative Law
- s3 Civil Aviation Act 1948
- regs 8, 43 Civil Aviation Regulations 1953 (S.R. 1953/108)
- validity of regulation – CAIC no legal effect as not authorised by Act or Regs – delegation – prohibition

***Hunt & The New Zealand Airline Pilots' Association v Director of Civil Aviation***, [4 July 1988, **HC** CP 187/86, Ellis J]

- judicial review
- medical examination, questions on medical form
- privacy issues

***International Heliparts NZ Ltd v Director of Civil Aviation***, [22 November 1996, **HC** CP 269/96, Goddard J]

- application for judicial review of Director's decision to suspend the Certificate of Approval (Supply) of the applicant and to issue Airworthiness Directives with respect to helicopter components supplied by the applicant
- Court found Director had made an error of law and decision to suspend the aviation document set aside

***International Heliparts NZ Ltd v Director of Civil Aviation***, [1997] **HC** 1 NZLR 230, Gendall J

- judicial review
- s8 & 8(3) Judicature Amendment Act 1972
- reg 176, Civil Aviation Regulations 1953 (SR 1953/108)
- ss18, 17(1)(a)(b), (3), (4), (7) & 19(5)
- interim injunction for relief pending judicial review proceedings
- interim relief granted only with respect to the revocation of the Certificate of Approval (Supply)
- issues involving public safety – unable to prohibit the issue of Airworthiness Directives with respect to helicopter components supplied by the applicant

***Director of Civil Aviation v International Heliparts***, [1997] **CA** 44-97 Richardson, Henry & Elias JJ

- judicial review
- appeal from decision of High Court
- appeal dismissed
- *reference with Oceania Aviation Limited cases below*

***Oceania Aviation Limited v The Director of Civil Aviation***, [9 August 2000, **HC** CP 162/98, Gendall J]

- claim for damages
- negligence
- misfeasance in public office

***Oceania Aviation Limited v Director of Civil Aviation***, [**CA** 163/00, 13 March 2001] Gault, Keith, Blanchard JJJ

- appeal from a High Court decision
- negligence
- misfeasance in the public office

**Geoffrey Kenneth Paterson** v Director of Civil Aviation, Wellington DC [18 March 2005, CIV 2004-085-84, Butler J]

- judicial review
- revocation of license
- s 27A and s27B Civil Aviation Act 1990
- rule part 67 Civil Aviation Rules
- Appeal allowed

**Geoffrey Kenneth Paterson** v Director of Civil Aviation, Wellington HC [27 April 2005, CIV 2005-485-606, Wild J]

- appeal
- stay of judgment
- s27L(5) Civil Aviation Act 1990
- s27B(3) Civil Aviation Act 1990
- rule 710(2) High Court Rules
- Application succeeds
- Costs of stay reserved

**Geoffrey Kenneth Paterson** v Director of Civil Aviation, Wellington HC [27 April 2005, CIV 2005-485-606, Wild J – No 2 - Oral judgment -declining to deal with “the aviation safety merits”]

- appeal and cross appeal
- administrative law
- rule 718A High Court Rules
- reserved judgment on administrative law grounds of appeal

Director of Civil Aviation v **Geoffrey Kenneth Paterson** , Wellington HC [23 June 2005, CIV 2005-485-606, Wild J – No 3 – on the substantive appeal]

- appeal and cross appeal
- administrative law
- s 27A, s27B and s27I Civil Aviation Act 1990
- District Court to make final decision on aviation safety issue
- costs reserved

**Geoffrey Kenneth Paterson** v Director of Civil Aviation, Wellington DC [9 January 2006, CIV 2004-085-84, Butler J]

- case remitted back to District Court for final decision on aviation safety issue
- Part 2A Civil Aviation Act 1990
- Appellant failed to satisfy

**Nolan** v McIntyre, [1986] HC 6 NZAR 129 Heron J

- judicial review
- reg 12 & 12(4) Civil Aviation Regulations 1953
- s8 Judicature Amendment Act 1972 - application for interim relief
- cancellation of commercial pilot licence

- natural justice
- public interest in safety prevails – decline on orders sought
- application adjourned on certain conditions

***O'Malley v District Court***, [1993] **HC NZAR 411**, Holland J

- judicial review
- Legal aid
- Whether Judge entitled to take into account transactions more than 12 months before application
- application refused

***O'Malley v Ward & Civil Aviation Authority of New Zealand***, [2000, **HC CP 13/00**, Chisholm J]

- judicial review
- application for interim relief

***O'Malley v Director of the Civil Aviation Authority of New Zealand***, [16 October 2002, **HC CP 64/02**, Chisholm J]

- judicial review
- Interlocutory application for orders overturning suspension & revocation pending a substantive hearing
- s8(1)Judicature Amendment Act 1972
- s10, s10(3),s10(5), s11(2)(5), s17(1)(a)(b)(c), s18, s66 Civil Aviation Act 1990
- application for interim orders dismissed

***Director of Civil Aviation v Planning Tribunal (Ferintosh Case)***, [1997] **HC 3 NZLR 335**, Ellis J

- judicial review
- opinion given on moot issue
- safety a matter for Director and Planning Tribunal

***Sea Bee Air Ltd v The Secretary for Communication & Transport of Tuvalu***, [11 June 1986, **HC A 1171/85**, Henry J]

- judicial review
- injunction
- injunction discharged

***Tuck v Director of Civil Aviation Authority of New Zealand***, [9 November 2004, **HC CIV 2004-409-002157**, Hansen J]

- judicial review
- Disqualification of class II medical certificate
- Class I medical certificate has not been renewed
- Interim issues

***Waikato Regional Airport Ltd, South Pacific Air Charters Ltd & Palmerston North Airport Ltd v The Attorney General on behalf of the Director General of Agriculture & Forestry***, [14 February 2001, **HC CP 156/98, 359/98, 151/99 & 152/99**, Wild J]

- judicial review

- four proceedings heard together
- charges imposed for boarder control services provided at regional international airports
- Judicature Amendment Act 1972
- Biosecurity Act 1993
- recovery of charges paid

**Wellington International Airport Ltd v Air New Zealand**, [1993] CA 1 NZLR 671  
Cooke P, Richardson, Hardie Boys, Gault & McKay JJ

- judicial review of consultation process
- appealed dismissed by the airlines in CA 73/92 – valuation issue
- appealed allowed of WIAL in CA 23/92 – landing fees issue

## SUMMARY PROCEEDINGS

**Attorney General ex rel James Aviation Ltd et al v Makarau Co-operative Lime Society Ltd & Another**, [1973] CA 2 NZLR 731 Turner P, McCarthy & Richmond JJ

- summary prosecution
- appeal from judgment Moller J, [1973] 1 NZLR 207
- hire or reward, aerial work service
- appeal dismissed

**Attorney General ex rel James Aviation Ltd et al v Makarau Co-operative Lime Society Ltd & Another**, Auckland [1972] SC 1 NZLR 207, Moller J

- summary prosecution
- ss2, 13(1) Air Services Licensing Act 1951
- hire or reward, aerial work service
- appeal dismissed

**Civil Aviation Authority of New Zealand v Balloon Adventures Up, Up and Away Limited, Christopher Alan Johnson**, Christchurch DC [18 November 2004, CRN 400950225, 4009502256, Holderness J]

- summary prosecution
- charges under CA Act???
- charge of obstructing or impeding investigation
- convicted and fined

**Civil Aviation Authority of New Zealand v Peter John Barry**, Manukau DC [6 October 2005, CRI 2005-057-000810, Blackie J]

- s46 Civil Aviation Act
- 6 counts of operating without holding Pilot's Certificate
- 6 counts of operating an aircraft without a flight permit
- failure to make accurate entries on record
- flying an aircraft under VFR of less than 500ft
- operating an aircraft under VFR at a height of less than required to execute an emergency landing without hazard to persons & property

- operating aircraft causing unnecessary danger to persons and property
- convicted and fined

**Barr** v *Civil Aviation Department*, [1965] **SC** NZLR 503 Perry J

- summary prosecution
- appeal against fine and costs
- reg 18(2), 18(9), 41 Civil Aviation Regulations 1953
- night flying without prescribed lights & instruments
- appeal allowed

*Civil Aviation Authority v Begbie & Leonard*, Ashburton DC [30 April 2003, CRN 1003004407 & 1003004160/2, Ryan J]

- summary prosecution
- maximum gross weight specified
- operating aircraft in a careless manner
- s43A Civil Aviation Act 1990 – dismissal of charge
- rule part 91.201 Civil Aviation (Offences) Regulations 1997 – dismissal of charge
- 91.109 Civil Aviation (Offences) Regulations 1997 – convicted and discharged

*Police v Bradbury*, Blenheim DC [22 January 2004, CRN: 2002-006-990240, Walker J]

- summary prosecution
- s8 Wild Animal Control Act 1977
- Civil Aviation Regulations 1997
- Rule 91.311 Civil Aviation Rules
- 4 charges of unlawful hunting
- operating an aircraft for hire and reward while not holding a commercial pilots licence
- convicted and charged

*Civil Aviation Authority v Calder & Southern Alps Air Charter Ltd*, Dunedin DC [CRN: 90020000736-40 & 90020000741-2, Everitt J]

- summary prosecution
- reg 18(2)(9) & 19(1)(f) Civil Aviation Regulations 1953
- expiry of pilot licence
- knowledge of expiry
- renewal

**Cameron** v *Attorney General, Director of Civil Aviation & et al* [17 October 2001, **HC** CP 88-SD00, Morris J]

- claim for damages
- negligence
- abuse of process
- breach of Bill of Rights 1990

*Civil Aviation v Catlin*, Nelson DC [2 August 1994, CRN: 3042007711,12,14-17, Gaskell J]



- summary prosecution
- s43 & 44 Civil Aviation Act 1990
- reg 36 Civil Aviation Regulations 1953
- unnecessary danger

*Civil Aviation Authority of New Zealand v **Central Western Air (1992) Limited***, Invercargill DC [14 June 1994, CRN: 3025007099-7109, Anderson J]

- summary prosecution
- s369 Crimes Act 1961
- no licence to conduct Air Transport Operations & did not hold an Air Services Certificate
- s2, 46(1)(a) & 46(2)(b) Civil Aviation Act 1990
- reg 136(1) Civil Aviation Regulations 1953
- definition of air transport operation
- Judge refers to decision in *CAA v Pionair Adventures Ltd*

*The Queen v Wellwyn Harris **Collins***, [23 June 1982, **CA** 47/82] Cooke, Somers & Roper JJ

- summary prosecution
- appeal against charge
- s24 Civil Aviation Act 1964
- appeal dismissed

*Civil Aviation Authority v **Craigie***, Auckland DC [December 2002, CRN: 1004093163-173, Everitt J]

- summary prosecution
- s369 Crimes Act 1961
- s46 Civil Aviation Act 1990
- 91.617 Civil Aviation Rules
- renewal of airworthiness certificate

*Ministry of Transport v **Cunliffe***, Palmerston North DC [1981] 1 DCR 176, Graham J

- summary prosecution
- s29(4), (5) Civil Aviation Act 1990
- regs 8A(4), 18(1), 18(2) Civil Aviation Regulations 1953
- s7 Costs in Criminal Cases Act 1967
- flew in a dangerous manner and contravened certain notices & requirements under the Regulations
- ultra vires and void
- all charges dismissed
- costs awarded (no intention to be punitive)

*Civil Aviation Authority v **Dando***, Greymouth DC [14 October 1993, CRN: 3018004353 & 4355, Costigan J]

- summary prosecution

- s44 Civil Aviation Act 1990
- low flying - unnecessary danger to person or property
- reg 38 Civil Aviation Regulations 1953
- credibility of witnesses
- charges proved

*Civil Aviation Authority v Denniston*, Palmerston North DC [23 April 1999, CRN: 8054005936 to 80540039, Unwin J]

- summary prosecution
- s43A(1), 44(1)(b) Civil Aviation Act 1990
- unnecessary danger to person or property
- 91.229(a)(3) & 91.311(a)(3) Civil Aviation (Offences) Regulations 1997
- agricultural operations
- convicted & charged

*Police v Domonkos*, Greymouth DC [13 October 1998, CRN: 7089003055, Anderson J]

- summary prosecution
- intent to defraud with respect to log book entries and wilful omission with respect to replacing tail rotor blades of a helicopter
- 3 months imprisonment

*Domonkos v The Police*, [16 October 1998, HC AP 4/98] Hansen J

- summary prosecution
- appeal against sentence
- appeal dismissed

*Civil Aviation Authority v Dugmore*, Kaitaia DC [7 December 2004, CRN: , Everitt J]

- summary prosecution
- s66A Civil Aviation Act 1990
- s3 Civil Aviation Regulations 1977
- rule 43.51 & 47.10(a)
- convicted and fined

*Feaver v Civil Aviation Dept*, [1990] 6 CRNZ 453

- summary prosecution
- s24 Civil Aviation Act 1964
- unnecessary danger

*Director of Civil Aviation v Fibreform Laminates Limited*, Auckland DC [14 November 1975, CRN: 85426/75, Nicholson SM]

- summary prosecution
- reg 18(6) Civil Aviation Regulations 1953
- reg 8A, 18(1) & 31 Civil Aviation Safety Order No. 13
- carriage by air of inadequately packed dangerous goods – lesser charge
- safety of aircraft, crew & passengers

- failed to comply with quantity limit, declare by proper shipping name & properly label, provide & sign prescribed shippers certificate for the chemical

*Civil Aviation Authority of NZ v Christoph Gernot Filzwisser*, Tauranga DC [15 May 2006, CRI 2004-070-7046, Ingram J]

- s43A Civil Aviation Act 1990
- careless flying
- order to pay cost of prosecution
- discharged without conviction

*Fowler v Police*, [1983] NZLR 701; [1983] **CA** 1 CRNZ 29 Richardson, McMullin & Casey JJ

- summary prosecution
- s24 Civil Aviation Act 1964
- unnecessary danger – proof of actual danger not required

*Griffin v Civil Aviation Authority*, [7 August 1997, **HC** AP 26/97, Paterson J

- summary prosecution
- appeal against conviction and sentence
- 2 charges under s46 Civil Aviation Act 1990
- Air transport operations
- hire or reward
- appeals dismissed

*Civil Aviation Authority v Harris*, Timaru DC [11 January 1995, CRN: 4076005264-6, Ryan J

- summary prosecution
- s44(1)(a) Civil Aviation Act 1990
- regs 39(2)(a) & subclause (b) Civil Aviation Regulations 1953
- unnecessary danger to other persons
- near collision with Metroliner
- evidence of identity
- charges proved

*Civil Aviation Authority v Hart*, Ashburton DC [15 April 1999, CRN: 8003003465 & 4534, Ryan J]

- summary prosecution
- s 44 Civil Aviation Act 1990
- rule 91.311(a)(iii), 137.63 Civil Aviation Rules
- low flying in agricultural operations
- hazard to persons or property on the ground
- charges proved

*Hart v Civil Aviation Authority*, [6 October 1999, **HC** AP 9/99, Chisholm J]

- summary prosecution
- appeal against conviction & sentence

- 91.311(a)(iii) & 137.63 Civil Aviation Rules
- low flying & Agricultural operations
- hazard to persons & property on the ground
- appeals dismissed

*Civil Aviation Authority v Halliwell*, Auckland DC [1<sup>st</sup> INTERIM DECISION, 22 December 1997, CRN: 6004036687, Nicholson J QC]

- summary prosecution
- ss23(7), 23A, 43 Civil Aviation Act 1990
- s24 Civil Aviation Act 1964
- regs 18, 60(b), 60(c) Civil Aviation Regulations 1953
- court to consider conviction on the information as it stands or seeks amendment of position by filing memorandum's to be filed & served before 25 January 1998

*Civil Aviation Authority v Halliwell*, Auckland DC [2<sup>nd</sup> INTERIM DECISION, 14 July 1998, CRN: 6004036687, Nicholson J QC]

December 1997, CRN: 6004036687, Nicholson J QC]

- summary prosecution
- ss23(7), 23A, 43 Civil Aviation Act 1990
- s24 Civil Aviation Act 1964
- regs 18, 60(b), 60(c) Civil Aviation Regulations 1953
- amendment of s43 by deletion of words
- matter set down for further hearing

*Civil Aviation Authority v Halliwell*, Auckland DC [22 December 1999, CRN: 6004036687, Nicholson J QC]

- summary prosecution
- ss23(7), 23A, 43 Civil Aviation Act 1990
- s24 Civil Aviation Act 1964
- regs 18, 60(b), 60(c) Civil Aviation Regulations 1953
- causing unnecessary danger to other persons
- conditions of airworthiness certificate, performance & operating limitations of aeroplane flight manual – weight & load compliance
- load distribution charge – dismissed

*Civil Aviation Authority v Halliwell*, [1999] HC 3 NZLR 353, Fisher J

- summary prosecution
- ss11, 44(1)(2), 66(1)(5), 75(5) & 131 Summary Proceedings Act 1957
- ss43 & 65 Civil Aviation Act 1990
- Jurisdiction
- proceedings remitted to District Court for continuation
- election of trial by jury

*Ministry of Civil Aviation v Hancock*, New Plymouth DC [1988] DCR 426, Dalmer J

- summary prosecution

- regs 2.2, 41(1), 99(1)(b) Civil Aviation Regulations 1953
- regs 4, 39(2)(a), 39(2)(b) Civil Aviation Regulations 1953
- para 2.2 Civil Aviation Safety Orders (CASO)
- determined ambiguity of Safety Orders and Regulation of night flying
- case dismissed

*Police v Hawke's Bay & East Coast Aero Club (Inc): Police v Ingram*, Hastings DC [1948, 5 M.C.D. 458, Jenner]

- summary prosecution
- regs 2, 5(1)(iii), 10(1)(4), 31 Air Navigation Regulations 1944 (1933 New Zealand Gazette, 1473)
- unlicensed aerodrome for landing & departure
- payment by passenger purporting to admit for Membership of Aero Club
- pilot not holding certificate of Competency & license to carry passengers for hire & reward
- mens rea
- convicted and fined

*Civil Aviation Authority of New Zealand v Heavy Lift Cargo Airlines Pty Ltd*, Manukau DC, [ 16 June 2005, Bouchier J]

- s46 Civil Aviation Act 1990
- operated aircraft without holding a foreign air operator certificate
- absence of provisions for overseas service in Civil Aviation Act 1990
- District Court lacked jurisdiction
- proceedings dismissed

*Pawson v Heavy Lift Cargo Airlines Pty Ltd*, Auckland HC, [22 December 2005, CRI-2005-404-278, Baragwanath J]

- Case Stated Appeal under s107 Summary Proceedings Act 1957
- issues regarding proof of service of documents
- Mutual Assistance in Criminal Act 1992
- s46 Civil Aviation Act 1990
- operated aircraft without holding a foreign air operator certificate
- Appeal dismissed
- Costs reserved

*Pawson v Heavy Lift Cargo Airlines Pty Ltd*, Auckland HC, [1 March 2006, CRI-2005-404-278 (**COSTS**) Baragwanath J]

- Question of jurisdiction and quantum
- Costs ordered to respondent's

*Civil Aviation Authority of New Zealand v Heavy Lift Cargo Airlines Pty Ltd*, Manukau DC [28 August 2006, CRN 5092505711, MacLean J]

- issues regarding proof of service of documents
- Mutual Assistance in Criminal Act 1992
- Sufficient proof of service for further proceedings on a substantive basis

- s46 Civil Aviation Act 1990
- operated aircraft without holding a foreign air operator certificate

***Helilogging Limited v Civil Aviation Authority of New Zealand***, Wellington HC [16 December 2004, CIV 2004-485-2558, MacKenzie J]

- Judicial Review
- S37 Civil Aviation Act 1990
- application for two Exemptions
- Type Certification or Type Acceptance Certification under the Act
- orders by way of permanent mandatory injunction
- leave reserved to both parties
- costs will be reserved

***Civil Aviation Authority v Helilogging Limited, Helilogging Holdings Limited & Mark Wayne Ford***, New Plymouth DC [12 April 2006, CRI 2005-043-2361, Murfitt J]

- s46(1) Civil Aviation Act 1990
- operating aircraft without holding the appropriate aviation document
- Civil Aviation Rule 3(1) Civil Aviation (Offences) Regulations 1997, Schedule One
- Civil Aviation Rule 91.101(b) Civil Aviation Rules – current Airworthiness Certificate
- operating an aircraft other than in compliance with the operating limitations
- carriage of goods for hire or reward
- information's dismissed
- no order for costs against informant

***Civil Aviation Authority v Helilogging Limited, Helilogging Holdings Limited & Mark Wayne Ford***, New Plymouth HC [19 September 2006, CRI 2005-043-2361, Clifford J]

- Case Stated Appeal under s107 Summary Proceedings Act 1957
- s46(1) Civil Aviation Act 1990
- operating aircraft without holding the appropriate aviation document
- Civil Aviation Rule 91.101(b) Civil Aviation Rules – current Airworthiness Certificate
- Civil Aviation Rule 91.105 special category airworthiness certificate
- Civil Aviation Rule 21.173(b) prescribed operating conditions
- subjective purpose was carriage of goods for hire or reward
- s46 proof of mens rea

***Police v Hollard***, Thames DC [8 December 1995, CRN: 5075004013-4, Evans J]

- summary prosecution
- s43, s 44 Civil Aviation Act 1990
- reg 38(2)(b), 2A Civil Aviation Regulations 1953
- rule 74(2) Civil Aviation Rules
- unnecessary danger to any person

- operated an aircraft in a manner which caused unnecessary danger to any person
- convicted on both charges

**Hollard v Police**, [17 April 1997, HC AP 26/96, Hammond J]

- summary prosecution
- appeal against convictions
- 2 offences
- s43 & s44 Civil Aviation Act 1990
- appeals dismissed

**Civil Aviation Authority v Hewitt**, Ashburton DC [4 March 2002, CRN: 1003004677, Ryan J]

- summary prosecution
- s46 Civil Aviation Act 1990
- basic instruction in the control of an aircraft
- appropriate aviation document not held
- charge proved

**Civil Aviation Authority v Horsburgh**, Christchurch DC [13 September 1995, CRN: 5006009440-41, Erber J]

- summary prosecution
- reg 91(4)(a),37(2) Civil Aviation Regulations 1953
- duty of pilot to maintain continuous listening watch on air traffic control radio frequency
- departed from instructions on air traffic control clearance
- 1 charge dismissed & 1 charge proved, adjourned for sentence

**Civil Aviation Authority v Horsburgh**, Christchurch DC [REMARKS ON SENTENCE, 9 October 1995, CRN: 5006009440-41, Erber J]

- summary prosecution
- S19 Criminal Justice Act – discharge
- Costs ordered

**Civil Aviation Authority v Hoskins**, [25 May 2004, CRN: 3070500196-225, Harding J]

- summary prosecution
- current airworthiness certificate
- operating below required visual flight rules
- two charges of failing to display registration markings
- two charges of operating an aircraft outside the operation limitations specified in the flight manual
- five charges of failing to produce flight records
- seven charges of operating an aircraft without a medical certificate
- one charge of operating an aircraft in a careless manner
- convicted and fined on all charges

*Queen v Hunter*, Napier DC [19 November 1998, TNOs: 980998, 971567, Christiansen J]

- summary prosecution
- operating an aircraft without appropriate current documents
- fraudulently making documents providing flying identification qualifications
- placing others in unnecessary danger
- falsely representing as a pilot with an Instructor's rating to obtain possession of an aircraft
- concurrent sentences of imprisonment to be served

*Civil Aviation Authority v Max Imstepf*, Hamilton DC [8 November 2004, CRN 03039005078-79, Maze J]

- s43A Civil Aviation Act 1990
- Rule 91.311(a) Civil Aviation Rules 1990
- convicted

*Civil Aviation Authority v Max Imstepf*, Hamilton HC [26 March 2006, CIV 2005-419-03, France J]

- application for re-instatement to adduce fresh evidence on appeal
- s43A Civil Aviation Act 1990
- Rule 91.311(a) Civil Aviation Rules 1990
- Appeal is re-instated

*Civil Aviation Authority v Innes*, Timaru DC [9 December 1998, CRN: 8045004851-4855, Ryan J]

- s76 Summary Proceedings Act 1967
- s46 Civil Aviation Act 1990
- evidence - entrapment
- operating without the appropriate aviation document
- hire and reward
- convicted and fined

*Civil Aviation Authority v Jepsen*, Rotorua DC [24 April 2001, CRN: 0063005479-84, Cooper J]

- summary prosecution
- s44(1)(a), s100 Civil Aviation Act 1990
- rule 91.109, 91.311(a)(iii) & (c), 91.111(a)(2) Civil Aviation Rules
- low flying
- non compliant with flight manual specifications for shoulder harness
- unnecessary danger to other persons
- all charges proved

*Civil Aviation Authority v Kokatahi Helicopters Ltd & Aspiring Helicopter Services Ltd*, Greymouth DC [10 March, No: 20/95, Green J]

- summary prosecution
- s46 Civil Aviation Act 1990



- reg 28A Civil Aviation Regulations 1953
- four charges of operating without the appropriate aviation document
- no written approval for landing and taking off in a conservation area
- five charges of failing to maintain daily flight records
- convicted and fined

*Civil Aviation Authority v Kollar*, Christchurch DC [23 December 1996, CRN: 6006 & 6005, Noble J]

- summary prosecution
- s43(1)(2) Civil Aviation Act 1990 - dismissed
- regs 18, 36 Civil Aviation Regulations 1953- proved
- fatal hot air balloon accident

*Kollar v Civil Aviation Authority of New Zealand*, [14 May 1997, HC Hansen J]

- summary prosecution
- s43(1)(2) Civil Aviation Act
- reg 18 & 36 Civil Aviation Regulations
- s43, 132, 204 Summary Proceedings Act 1957
- s9 Inferior Courts Procedure Act 1909
- appeal allowed, unnecessary to consider appeal against sentence

*Kollar v Civil Aviation Authority*, [20 August 1997, HC A76/97, Hansen J]

- summary prosecution
- application for costs of the appeal – granted

*Civil Aviation Authority v Kollar*, Christchurch DC [SPECIAL PLEADING, 25 March 1998, CRN: 6005 & 6006, Doherty J]

- summary prosecution
- applications for discharge under s358 Crimes Act 1961
- reg 18, 36 Civil Aviation Regulations 1953 – proved – convicted & sentenced
- s42(1)(2) Civil Aviation Act 1990 – previously dismissed
- overturned on appeal – duplicity of particulars contrary to s16 Summary Proceedings Act 1967
- s43(1) Civil Aviation Act 1990
- reg 36(1) Civil Aviation Regulations 1953
- unnecessary danger to other persons
- avoidable danger to life or property that was likely to ensue
- application dismissed

*Civil Aviation Authority v Lay*, Tauranga DC [16 March 2001, CRN: 90700/8304, Thomas J]

- summary prosecution
- application for costs
- s5, s13(3) Costs in Criminal Cases Act 1967
- Costs in Criminal Cases Regulations 1987

- withdrawal of information by informant due to the likely change to the flying rules relating to agricultural flying
- low flying in agricultural operations
- costs awarded

*Civil Aviation Authority v **Madden***, Auckland DC [21 February 2005, CRN: 3004631789, Doogue J]

- summary prosecution
- s46B(1)(a) Civil Aviation Act 1990
- misleading information for the purpose of obtaining a medical certificate
- charges proved

*Civil Aviation Authority v **Madden***, Auckland DC [21 February 2005, CRI: 2003-004-30540, Doogue J]

- summary prosecution
- s46B(1)(a) Civil Aviation Act 1990
- misleading information for the purpose of obtaining a medical certificate
- convicted & sentenced

*Queen v **Manoy***, Nelson DC [27 June 2000, T13/00, Walker J]

- summary prosecution
- s49(1)(b) Civil Aviation Act 1990
- failed to provide correct information on application for an aviation document
- substantial fine

*Civil Aviation Authority v **Marshall***, Timaru DC [22 November 2001, CRN: 1076006268-70, Doherty J]

- summary prosecution
- s46(1)(a), 52(1)(a), 52(2)(a) Civil Aviation Act 1990
- reg 3 First Schedule Civil Aviation (Offences) Regulations 1997
- maintained an aircraft without holding the appropriate current aviation document - dismissed
- operated aircraft that had undergone maintenance but not given certification for release by an authorised person - proved
- failure to record details of maintenance work in appropriate log book – proved
- discharged without conviction on payment of costs

*Civil Aviation Department v **MacKenzie***, [1983] **CA** NZLR 78 Davison CJ, Cooke, Richardson & McMullin JJ, [1983] 1 CRNZ 38

- summary prosecution
- s24 Civil Aviation Act 1964,
- reg 38, 38(3)(d) Civil Aviation Regulations 1953,
- criminal law – mens rea - absolute liability/strict liability

*Civil Aviation Department v **MacKenzie***, [1982] **HC** 2 NZLR 238, Casey J

- summary prosecution
- s24 Civil Aviation Act 1964

- reg 38, 38(3)(d) Civil Aviation Regulations 1953
- Criminal law – mens rea - absolute liability/strict liability

*Civil Aviation Authority v McBride*, Whatoroa DC [3 October 1995, CRN: 5089003047/48, Holderness J]

- summary prosecution
- s43 Civil Aviation Act 1990
- reg 18 & 36 Civil Aviation Regulations 1953
- unnecessary danger to other persons
- avoidable danger to life or property was likely to ensue
- fine imposed

*Civil Aviation Authority v McLroy*, Greymouth DC [30 June 2000, CRN: 8018006991-6995, Abbott J]

- summary prosecution
- s44(1) Civil Aviation Act 1990
- reg 3 Civil Aviation (Offences) Regulations 1997
- rule 91.201, 91.109, 91.311(a)(3), 61.39 Civil Aviation Rules
- caused unnecessary danger to other person or property
- compliance with operating limitations specified in flight manual
- prohibited flying at a height of less than 500 feet
- prohibit a pilot from flying after expiry of two years following a successful completion of a flight review
- weight limit of aircraft exceeded
- charge under s 44(1) proved

*Civil Aviation Authority of New Zealand v Daryl Neilson McKee & Balloon Expedition Company of New Zealand Ltd*, Auckland DC [1 July 2005, CRN: 4004501242, 40044501244-7, Taumaunu J]

- Rule 91.311(a) Civil Aviation Rules
- S43A Civil Aviation Act 1990 operating aircraft in a careless manner
- charges proved

*McNeill (Civil Aviation) v Newkumet*, Nelson DC [8 February 1996, CRN: 5042005338/9, Unwin J]

- summary prosecution
- reg 8A(4)(a), 174 Civil Aviation Regulations 1953
- s25 Crimes Act 1961
- meaning of the words "repair" and "supervision"
- one charge proved against reg 8(A)(4)(a), the other dismissed

*Civil Aviation Division, Ministry of Transport v North Air Limited and Others*, Rotorua DC [9 April 1992, CRN: 10630065882, 85, 88, 95, Bate J]

- summary prosecution
- s2, 12, 46, 103 Civil Aviation Act 1990
- reg 18(2), 34(1), 131(1)(c)(i)(ii), 136 Civil Aviation Regulations 1953

- Transport Amendment Act 1987
- s66(1)(a) Crimes Act 1961
- operating an aircraft for air transport while not holding an air service certificate
- carrying passengers, taking off & landing at an unauthorised aerodome
- term "operate" and "operator"
- all charges proved

*The Queen v Andrew James Nicholson*, [16 April 1991, CA 397/90] Richardson, Casey, Thorp JJ

- summary prosecution
- appeal
- verdict unreasonable & not supported by the evidence
- wrongful admission of evidence
- claimed misdirection of s24 Civil Aviation Act 1964
- disqualification from obtaining or holding any pilot's licence
- appeal dismissed

*Peter-Willem-Johan Paalvast v Civil Aviation Authority*, Rotorua HC [28 February 2006, CRI 2005-463-82, Heath J]

- appeal against sentences imposed
- six offences under s46 Civil Aviation Act 1990
- appeal dismissed

*Police v Pascoe*, Nelson DC [1 October 1998, CRN: 70420108419, 9406, Dalmer J]

- summary prosecution
- reg 76 Civil Aviation Regulations 1953
- s264(2) Crimes Act 1961
- forgery & uttering – use of flight test competency report which had been forged by altering the date of the test
- charge of forgery dismissed, charge of uttering proved
- convicted and fined

*Civil Aviation v Pionair Adventures Ltd*, Dunedin DC [9 December 1993 & SENTENCE NOTES, 4 February 1994, CRN: 3059003285, 4157, 3059003491, Everitt J]

- summary prosecution
- s46 Civil Aviation Act 1990
- reg 130, 131, 136 Civil Aviation Regulations 1953
- operating an aircraft for air transport while not holding an air service certificate
- hire and reward
- aircraft registered under "Restricted Category"
- meaning of term organisation
- statutory interpretation – application of 1953 Regulations under 1990 Act – definitions in 1953 Regulations apply during transition period
- new information 4157

- test case
- conviction and discharge, plus costs & leave to apply for quantum

*McNeill (Civil Aviation) v Presland*, Dunedin DC [2 February 2001, CRN: 9002005176-79, Harding J]

- summary prosecution
- application for costs
- s7 (2) Costs in Criminal Cases Act 1967
- S167 Summary Proceedings Act 1957
- Part 67, rule 61.35(a) Civil Aviation (Offences) Regulations 1997
- piloted aircraft without a current medical certificate
- ultra vires of statutory framework
- costs awarded

*R v Matich*, McCarthy P, Richmond & White JJ, [1973] **CA** NZLR 600

- summary prosecution
- reg 18(8) Civil Aviation Regulations 1953

*R v McNeish*, Cooke, Richardson & Roper JJ, [1982] **CA** 1 NZLR 247

- summary prosecution
- part IVA Civil Aviation Act 1964
- reg 15 Civil Aviation Regulations 1953

*Civil Aviation Authority v Saban*, Wellington DC [3 July 1996, McKerr J]

- summary prosecution
- s44 Civil Aviation Act 1990
- reg 77 Civil Aviation Regulations 1953
- caused unnecessary danger to another person and property
- operated an aircraft engaged in air transport while not qualified
- charges dismissed

*Civil Aviation Authority v Saban*, Wellington DC [19 December 1996, CRN: 4085016610, 4085016613-6616 (inclusive), McKerr J]

- summary prosecution
- s7(1)(a) Cost in Criminal Cases Act 1967
- costs awarded

*Transport Ministry v Simmonds*, [1973] **SC** 1 NZLR 359 McMullin J

- summary prosecution
- appeal against convictions
- regs 18(7) & 36 Civil Aviation Regulations 1953 (Reprint SR 1970/173)
- avoidable danger to life or property was likely to ensue - dismissed
- issuing of certificate of compliance without ensuring all matters certified were true and correct - allowed

*Civil Aviation Authority of New Zealand v Speight*, [4 March 2004, **HC** CRI 2003-425-9, Hansen J]

- summary prosecution
- appeal by way of case stated
- s107 Summary Proceedings Act 1967
- s44(1)(a) Civil Aviation Act 1990
- interpretation of “unnecessary danger”
- test case
- remitted back to District Court pursuant to s112(b) Summary Proceedings Act 1957

*Civil Aviation Authority of New Zealand v Speight*, [10 June 2004, HC CRI 2003-425-12, Chisholm J]

- summary prosecution
- appeal against award of costs
- appeal allowed in part by reducing the award of costs

*The Queen v Garry Norman Sotheran*, [4 April 2001, CA 446/00] Elias CJ, Richardson P, Keith, Blanchard, Tipping JJ

- summary prosecution
- leave for appeal to the Solicitor General
- s14D(2) Transport Accident Investigation Commission Act 1990
- appeal allowed

*Civil Aviation Authority v Speight*, Queenstown DC [COSTS, 2004, CRN: 2059004027, 2059004206, Moran J]

- summary prosecution
- appeal as to costs
- s106(2) Sentencing Act 2002
- discharged without conviction
- s5(1) Costs in Criminal Cases Act 1967
- costs awarded

*Civil Aviation Authority v Speight*, Queenstown DC [20 June 2003, CRN: 2059004027, 2059004206, Moran J]

- summary prosecution
- s44(a) Civil Aviation Act 1990 – dismissed
- reg 3(1) Civil Aviation (Offences) Regulations 1997 – proven
- discharged without conviction

*Ministry of Transport v Sunnex*, Wellington DC [27 February 1991, CRN: 0085011666, Jaie J]

- summary prosecution
- s19 Criminal Justice Act 1985
- reg 34, 35 Civil Aviation Regulations 1953
- use of a place for taking off which was not licensed or authorised
- charges dismissed

- costs dismissed

**Sutherland** v Civil Aviation Authority, [4 June 1997, HC AP 15/97, Fisher J]

- summary prosecution
- appeal against conviction
- reg 91(4)(c) Civil Aviation Regulations 1953
- appeal dismissed

Civil Aviation Authority v **Sutherland**, Rotorua DC [12 December 1991, CRN: 5063010849, 50630108, 5063010860, 60630035, 6063003568, 60630035, 6063003577, Cooper J]

- summary prosecution
- s13, 13A Civil Aviation Act 1990
- reg 18(9), 149E Civil Aviation Regulations 1953 - rejected
- abuse of process- rejected
- reg 91(4) Civil Aviation Regulations 1953 – proved
- runway closed by NOTAM
- charges proved

Civil Aviation Authority of New Zealand v **Tear**, Papakura DC [18 April 2002, CRN: 2055003619-22, Sharp J]

- summary prosecution
- s19 Criminal Justice Act 1985
- operated aircraft without holding appropriate licence
- unnecessary danger to other persons whilst acting as pilot in command
- convicted and fined on both charges

**Tennet** v Civil Aviation Authority, Tauranga DC [29 March 1996, CRN: 070012180-1, Rota J]

- summary prosecution
- s25(b) Bill of Rights 1990
- 38(2) Civil Aviation Regulations 1953
- application for order staying or dismissing proceedings
- undue delay in prosecution - Summary Proceedings Act
- application dismissed

Civil Aviation Authority v **Thoma**, Christchurch DC [20 September 1994, CRN: 4009013975-80, Noble J]

- summary prosecution
- caused unnecessary danger to pilot & passengers of another aircraft
- convicted & fined
- landing without obtaining clearance from ATC
- convicted & discharged

Civil Aviation Authority v **Kingsley Croydon Thompson**, Kaikohe DC [12 October 2005, CRN: 0502750261-2, deRidder J]

- s49 of the Civil Aviation Act 1990 forwarding false information
- convicted and fined

*Civil Aviation Authority v Thomson*, Christchurch DC [2 September 1998, CRN: 8061004649-50, Abbott J]

- summary prosecution
- s44, 45 Civil Aviation Act 1990
- unnecessary danger to other person or property
- operating an aircraft without holding a current PPL
- disqualified, sentenced to periodic detention & fined

*Colin Stephen Tuck v The Director of the Civil Aviation Authority*,

*Civil Aviation Authority v Wallace*, Wellington DC [1997] DCR 11, Ongley J

- summary prosecution
- s43 Civil Aviation Act 1990
- reg 38(3) Civil Aviation Regulations 1953 (SR1953/108)
- unnecessary danger to other person or property on 2 counts
- low flying
- 3 charges proved, fourth charge dismissed on alternative

*Police v Wallis*, Rotorua DC [30 June 1995, CRN: 4063007391-392, Cooper J]

- summary prosecution
- s43 Civil Aviation Act 1990
- caused unnecessary danger to another person - overloaded microlight aircraft
- convicted

*McNeill (Civil Aviation) v Wellington Aero Club Incorporated*, Wellington DC [1991, CRN: 0085012088, Carruthers J]

- summary prosecution
- reg 34(1). 131(1)(c)(ii) Civil Aviation Regulations 1953
- strict liability
- meaning of "air transport operation"
- student flight a sham to get lower fee
- convicted

*Civil Aviation Authority v White*, Auckland DC [23 June 2000, CRN: 9004048435, Green J]

- summary prosecution
- rule 91.311(A)(3) Civil Aviation Rules
- low flying when not conducting a takeoff and landing
- convicted & fined



## CIVIL CASES

**Attorney General v Geyserland Airways**, Rotorua DC [1994] DCR 533, Evans J

- reg 28, 29 & 31 Civil Aviation Charges Regulations 1990
- reg 30 Civil Aviation Charges Regulations (No 2) 1991
- Part IV, s38-42 Civil Aviation Act 1990
- proceedings for aviation charges, interest & costs
- court awards costs to plaintiff

**Bailey v Taylor**, [1936] SC NZLR 806 Kennedy J

- stall on approach
- pilot or operator negligence
- costs against the defendant

**Eagle Air Maintenance Ltd v Waipa District Council**, [1993] DCR 533

- s5 & 6 Noise Control Act 1982
- validity of abatement notices served
- noise emanating from aerodromes
- is noise emitted excessive or a nuisance or does the specific legislation of aviation override the Noise Control Act
- Resource Management Act 1991
- s29(ka) Health Act 1956
- reg 188 & 190A Civil Aviation Regulations 1953
- s5(1) & 103(1) Civil Aviation Act 1990
- s20(d) Interpretation Act 1923
- Civil Aviation Regulations apply

**Gunton v Aviation Classics Ltd**, [2004] HC 3 NZLR 8736, Chambers J

- Contract
- Damages
- Misleading and deceptive conduct
- ss9 & 43(2), Fair Trading Act 1986
- issues of Quantum to be decided

**Jeune v New Zealand National Airways Corporation**, [1950] CA NZLR 665 Northcroft, Finlay & Hutchinson JJJ

- pilot or operator negligence

**Kearney v Secretary for Transport**, Christchurch DC [26 June 1992, MA: 755/92, Hattaway J]

- Statutory appeal
- s42 Transport Services Licensing Act 1989
- application refused due to previous criminal convictions
- factors to consider – evidence of bad character - change of character – conviction free time period – stable personal relationships – steady employment
- appeal allowed & licence to be issued under the terms of the Act

**Lee v Chief of Air Staff**, [18 November 1985, **HC** A190/85, Davison CJ]

- Defence Act 1971
- return of service obligation

**Maindonald v Marlborough Aero Club & New Zealand Airways Ltd**, [1935] **SC** NZLR 371 Blair J

- Deaths by Accidents Compensation Act 1908
- allegation of operator negligence – defect discoverable on reasonable inspection
- plaintiff nonsuited, costs fixed by Registrar

**Marine Helicopters Ltd v McAlpine Helicopters Ltd**, [6 August 1993, **HC** CP 2226/87, Anderson J]

- application to amend pleadings
- defendant supplied part to plaintiff, allegation part defective, caused crash
- contract, Sale of Goods – pleadings
- application dismissed

**MacInglis & Motueka Air Ltd v The Attorney General & Chippindale**, [4 December 1987, **HC** CP 278/87, Heron J]

- s18(3) Civil Aviation Act 1964
- considerations in investigating and reporting on air accidents
- meaning of term “supervision”

**Schedler v Secretary for Transport & Director of Civil Aviation**, Palmerston North DC [9 December 1992, M No 72/92, Ryan J]

- two appeals under s66 Civil Aviation Act 1990
- requirement for reasons for decision to suspend or revoke pilot’s licence
- evidence, credibility – failure to indicate why one version is accepted over other
- Court decision to reverse decisions

**Stephens & Another v New Zealand National Airways Corporation**, [1950] **SC** NZLR 168 Sir Humphrey O’Leary, CJ

- ss17, 34 New Zealand National Airways Act 1945
- reg 3(2)(3) New Zealand National Airways Regulations 1947 (Serial No. 1947/18)
- Deaths by Accidents Compensation Act 1908
- validity of regulation
- liability
- pilot or operator negligence
- amendment of statement ordered for reducing amount claimed

**Walker v Weedair (N.Z) Limited**, [1959] **SC** NZLR 777 McCarthy J

- s5(3) Civil Aviation Act 1948
- damage or loss caused by aircraft in flight
- liability
- judgment for the plaintiff

**Weedair (N.Z) Limited v Walker**, [1961] **CA** NZLR 153 Gresson P, Cleary & Turner JJ

- s5(3) Civil Aviation Act 1948
- appeal dismissed

**Wylie v Continental Airlines Inc**, [31 March 1988, HC AP 184/87, Sinclair J]

- s29(q) Civil Aviation Act 1964
- reg7(c) & 25 Civil Aviation (Accident Investigations) Regulations 1978
- International Law – Chicago Convention
- production of flight data recorder in accordance with the regulations
- decoding information
- case remitted back to District Court

## PLANNING TRIBUNAL

**Christchurch International Airport Ltd (Ferintosh Case)**, (*Resource Management Act 1991*) Christchurch[8 December 1994, C113/94, Sheppard J & Skelton J]

- test case
- s108 Resource Management Act 1991
- s7 Building Act 1991
- validity of conditions in a resource consent – noise

**Glentanner Park (Mount Cook) Ltd et al v Mackenzie District Council**, Christchurch[15 June 1994, W50/94]

- rule 157 – determination

## COMPLAINTS REVIEW TRIBUNAL

**Cassidy v Civil Aviation Authority (Privacy Act 1993)** Wellington[30 June 2000, No: 15/2000, Bathgate, Cook, McDonald]

- Information Privacy Principle 1
- s10 Civil Aviation Act 1990
- S7(4) Privacy Act 1993
- obtaining information about previous convictions, behavioural problems & transport safety
- proceeding struck out

## EMPLOYMENT COURT

**Bamber et al v Air New Zealand**, Auckland[21 April 1995, AEC32A/95 & A74/95, Colgan J]

- interim injunction pending trial of claims for breach of contract
- intended alteration to existing crew scheduling arrangements
- negotiation & agreement between parties
- established conditions & pilot rostering points (PBS –preferential bid system)
- trial held 24 & 25 May 1995

***NZ Amalgamated Engineering Printing & Manufacturing Union Incorporated et al v Air New Zealand Ltd & Business New Zealand Inc***, Auckland[13 April 2004, AC22/04, Goddard, Travis, Colgan]

- application for permanent injunction & declarations
- implementing policy on alcohol & drug testing in the workplace – (drugs also include medication both prescribed & unprescribed)
- subjected to testing for evidence of drugs or alcohol consumption (random testing in safety sensitive areas only, not across the board)
- in post accident/incident or near miss situations
- on reasonable cause to suspect that an employee's behaviour is actual or potential cause or source of harm to others as a result of alcohol or drugs
- Health and Safety in Employment Amendment Act 2002
- safety sensitive areas of employment - co-operation with the employer when it desires, in the interests of public safety
- policy valid except the introduction of random suspicionless testing for employees employed outside safety sensitive areas
- defendant released from general undertaking but reserve leave to object within 28 days
- judgment specific to this particular circumstances of Air New Zealand and its workforce.