

March / April 2001

CAA NEWS

Informing for Safer Aviation



Medical Matters

You have your say

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VFR Flight Planning

Medical Matters

— you have your say



A review of the CAA medical system was announced in *CAA News* July/August 2000. The Director of Civil Aviation, Kevin Ward, commissioned two prominent doctors, Professor Sir John Scott and Professor Des Gorman, to examine the current system and recommend changes. Their report was released on 20 February 2001.

The report recommended that urgent action be taken to address some concerns, and consequently the Civil Aviation Amendment Bill (No 2) was introduced to Parliament the same day by the Minister of Transport, the Hon Mark Gosche.

Ministerial Review to Examine '1% Rule'

In a letter to all pilot licence holders on 20 February, the Minister also announced an independent examination of the medical standards in Civil Aviation Rule, Part 67 *Medical Standards and Certification*. This review will focus on the '1% rule', which has become so controversial. The review will also address medical standards used to assess pilots, leading to a rewrite of Part 67.

The independent Ministerial Review, managed by the Ministry of Transport, will be conducted by a leading lawyer and an overseas aviation medical expert to be announced by the Minister in late March. They will hear the views of all parties on the rule and prepare a report which will be released for comment.

Ministry of Transport Policy Adviser, Peter Davey, said, "The Ministry is keen for interested parties to give input into the review. The Ministry will advertise the review but as well, could anyone who is interested write or email us".

Send submissions to:

p.davey@transport.govt.nz

"Review of Pilot Medicals"

The Secretary for Transport

Ministry of Transport

P O Box 3175

Wellington

The report of the review team, and comments received, will be used to draft a rule change, and a Notice of Proposed Rule Making (NPRM) is expected to be released by the end of August. This will provide another opportunity for public comment.

Once the comments on the NPRM have been analysed the final rule will be prepared. It is expected to be signed in December and come into force in the new year.

Director of Civil Aviation, Kevin Ward, said, "We have consistently stated that the CAA has an open mind about the so-called '1% rule', and we welcome the Ministerial Review as a fully consultative and open process to examine the issue."

There are three opportunities for anyone to contribute to the discussion and rewrite of Part 67 – the consultation with the review team, submissions following publication of their report, and submissions on the NPRM.

Backlog of Assessments

Recent developments have hampered the processing of special medical assessments by the CAA. The legality of medical assessments has been brought into question following the decision of the District Court in the case *CAA v Presland*. As a result, all medical assessments have to be considered from the legal point of view, and this is contributing to the backlog.

"The passing of the Civil Aviation Amendment Bill (No 2) will overcome these delays because the legality of who has the authority to issue a medical certificate will then be quite clear," said General Manager Personnel Licensing and Aviation Services, Robbie Graham.

"We have consistently stated that the CAA has an open mind about the so-called '1% rule'"

At the same time, the demand for special medical assessments has increased. "This has stretched the resources of the CAA medical team and resulted in unsatisfactory delays for pilots, but we're doing everything we can to address the delays in processing medicals. Additional legal and medical resources are now in place, and we are continuing to recruit suitably qualified assessors, locally and from overseas," said Mr Graham.

The Civil Aviation Amendment Bill (No 2)

The Civil Aviation Amendment Bill (No 2) was introduced in Parliament on 20 February. It will urgently address some of the recommendations of Professor Sir John Scott and Professor Des Gorman in their report on the process of determining fitness to fly, and provide the necessary empowerment for CAA medical certification processes.

The report said: "To a large extent, the problems with the current system are a result of excessive de-centralisation. The CAA has inadequate powers to exercise an effective regulatory function in respect to medical assessment of pilots. The CAA also suffers from inadequate medical resources."

The legislation was widely publicised to the aviation community in order to give everyone an opportunity to make submissions to the Select Committee. The Minister wrote to all licensed pilots, Designated Medical Examiners (DMEs) and Aviation Medical Assessors (AMAs). The complete report on determining fitness-to-fly was placed on the Minister's web site and the CAA's web site, together with information about how to make submissions to the Select Committee.

The Future

The Minister, in his letter to pilots, said, "The legislation that clarifies the role of doctors and the legal basis of the aviation medical scheme is only part of the answer. The rest lies with the CAA and industry. The CAA has clearly stated that it wants to work with industry to work out the details of the new system, to work out medical safety thresholds acceptable to the aviation industry and the public, and to work together with industry to put things right.

"Relationships have been badly strained in recent months - no one can deny that. That is not good for industry and it certainly isn't good for aviation safety.

"It is absolutely essential that we rebuild those relationships. Together we now have to bring about a system that works, which is on an equal footing with systems of other major aviation nations, and which is in the best interests of the public of New Zealand. Public safety must be preserved," said the Minister.

Kevin Ward, said, "We want to work with all participants in the aviation system to improve safety. We look forward to participating in the consultative processes."

You can see all the information about medical issues, including the full report by Professor Sir John Scott and Professor Des Gorman, and the Civil Aviation Amendment Bill (No 2), on the CAA web site www.caa.govt.nz

CAA Departures

Richard Macfarlane has resigned as Manager Personnel Licensing, but is continuing on a short-term basis, helping with licensing issues.

Richard intends setting up his own business, specialising in human factors management. He reflected on a number of milestones in his three years with CAA, including the ICAO audit, and the integration of medical certification into licensing, as part of the move to take a holistic approach to pilot fitness.

Dr Kathleen Callaghan has resigned as Principal Medical Officer but agreed to stay on until a replacement is appointed. Kathleen indicated her intention late last year.

Director of Civil Aviation, Kevin Ward, acknowledged Kathleen's contribution as Principal Medical Officer during a period of major change.

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Report of the Taumarunui Coroner into the Cherokee crash near Taumarunui in 1999

The inquest relates to the crash of a Piper Cherokee PA28 at Tawata, Kirikau Valley, near Taumarunui on 11 May 1999, which killed the pilot and his two passengers.

The Coroner lists a number of lessons to be learned from this accident: "The prime cause of this tragedy was clearly Mr McDonald's pattern of deceit which enabled him to obtain a medical clearance which would otherwise in all probability not have been available. That is the single overwhelming factor."

The Coroner also refers to the "Lack of ability to or willingness (by CAA) to enforce the 1% rule."

A number of failures in the medical examinations are listed. The DME released medical forms directly to the pilot. He "stood down" the pilot but failed to make this official and failed "to detect that one of the questions on his form remained unanswered."

The AMA accepted the medical forms directly from the pilot, instead of from the DME, and failed to liaise with the DME and the pilot's general practitioner. He made superficial inquiries regarding blood pressure, and there was his "erroneous consideration that he owed some sort of duty to Mr McDonald as well as CAA."

"Dr Scrivener took the view that he was walking a 'tightrope' between his duty to CAA and his duty to the pilot candidate. With respect to him he need not walk that 'tightrope'. Indeed he must not walk it. His only duty must be, and I consider at Law is, to CAA."

On the conduct of the pilot, the Coroner said, "That Mr McDonald, less than two weeks after being unofficially grounded by Dr Hedley for approximately four weeks (and prior to Dr Scrivener's reassessment), should not only pilot an aircraft himself but also take up as a passenger one of his own relatives, almost defies belief."

"It is clear that Mr McDonald was less than frank with Dr Hedley. He did not disclose either blood pressure problems or the taking of quinine, although it was quite clear that he should have."

And a medical form was "tampered" with. "To put it bluntly the word 'Quinine' was added by Mr McDonald to the one copy (of the form) in his possession - after his examination with Dr Hedley."

This accident received some media attention, perhaps disproportionately, when the Accident Report was released, because of "the detection of (in the words of the Pathologist) 'a near fatal level of quinine in the liver of the deceased pilot, Mr McDonald.'" The court surveyed DMEs and AMAs throughout New Zealand to determine what was known about the effects of quinine. The survey revealed that, "many were either totally or relatively ignorant about its effects until reading the literature provided (by the Court itself) in the survey. The Court finds this in itself remarkable."

And since the release of the Coroner's Report on 5 March, the media focused on a recommendation that, "CAA develop 'a rule', that pilots' licenses should be age limited, with the age perhaps being 70 years or something of the like. Aged pilots will not like that, but public safety is a greater issue. A Pilot Licence is a privilege not a right."

Another recommendation was that, "CAA must clarify the issue of the 1% rule. If it is to be a rule then it must be strictly enforced. Assessors and Examiners must receive a very clear message that it is not open for interpretation in any way."

The CAA will refer the Coroner's recommendations to the Ministerial Review which will be examining the '1 % rule' and Medical Standards.

Honour

Pam is well-known for aerobatic flying, involvement in Precision Flying competitions and the New Zealand Association of Women in Aviation. She joined the Civil Aviation Authority in 1984 where she is now a Senior Education Adviser and a joint editor of *Vector*.

"This is deserved recognition for Pam, who has contributed so much voluntary time and skill to flying organisations, as well as being a valued senior member of our Safety Education team who has carried out many safety training initiatives," said Director of Civil Aviation, Kevin Ward.

Pam gained her Private Pilot Licence in 1965 and in 1975 was the first New Zealand woman to compete in the World Aerobatic Championships. "The first aerobatics I did was a loop in a Tiger Moth at Omaka. I still remember that because the straps seemed so loose over the top of the loop, but I enjoyed it, so went on to learn basic aerobatics," said Pam.

Following a holiday overseas in 1972, where she attended the World Aerobatic Championships, Pam travelled home through the United States, "I went to Florida and did a 10-hour course with Bill Thomas, who was a member of the US aerobatic team. This was in a two-place Pitts, so when I'd flown one I thought, 'Yes, I definitely need one of those.'"

She purchased New Zealand's first Pitts Special S-1S in 1975 and spent 10 months in the United States travelling and competing in 26 states in regional and national championships. This was preparation for her goal of competing in the world championships in Kiev in 1976,

for Pam

Pam Collings was made a Member of the New Zealand Order of Merit, for services to aviation, in the 2001 New Year Honours List.

which she accomplished, and she competed again in 1980 at Oshkosh in the United States. Pam became known internationally as the Flying Kiwi, a title which also adorned her Pitts Special.

The precision and discipline required for aerobatics led to an interest in Precision Flying – competitions which were known overseas but not in New Zealand at the time. Pam initiated the New Zealand Precision Flying team, and she travelled as coach with the first team to compete overseas, in the US, in 1985. A team has competed from New Zealand every year since. Pam first heard about Precision Flying through the newsletter of the Ninety-Nines, the international organisation for women pilots. She was the first Governor of the New Zealand Section.

Pam was President of the New Zealand Airwomen's Association (as it was known then) between 1995 and 1997. In that role she was instrumental in organising the first Asia Pacific Women in Aviation Conference, held in Queenstown in 1998.

"I think the Association is important for women. While it is easier now for women to get into flying, a support network is still invaluable. What most of us have gained from the organisation is the fellowship and support of others who are doing the same thing - you can talk to other women and realise that they've experienced similar difficulties along the way," said Pam.

Current President of the New Zealand Association of Women in Aviation is Robyn Stuart-Kohn, "We're all delighted with the award to Pam, as she has been a tireless worker on our behalf, and for other aviation groups as well. She has been an inspiration to a number of women pilots, and it's great to see this recognised," said Robyn.

Pam joined the Ministry of Transport Air Transport Division in 1984 as an investigating officer (flight operations), based in Christchurch. In this role Pam earned the respect of industry, with her visits and advice being welcomed. Her work was of such standard that in 1986 she was presented with a personal commendation by the then Director of Civil Aviation, Air Commodore Stuart McIntyre, who said she had made an "inestimable contribution to flight safety".

In May 1989 she became a safety information officer with responsibilities for most of the safety publications and video effort of the CAA which are held in very high regard by industry. Her programmes, including the training of company and club safety coordinators (a course for which she wrote the syllabus), and the series of Aero-Kiwi and Heli-Kiwi flight education seminars, are an essential part of the CAA's safety programme. She once described the task as "promoting a safety culture in aviation. The CAA Rules provide the minimum checklist - individual pilots need to set their own limits."

Her safety education work was also recognised by the Federation Aeronautique Internationale with the Paul Tissandier Diploma for

Photography by Woolf



New Zealand Aviation News



1992. This prestigious award is presented to those who have shown initiative and devotion to working for the cause of aviation in general and sporting aviation in particular.

In supporting her nomination to become a Member of the New Zealand Order of Merit, the Director of Civil Aviation said, "The universal respect in which she is held by the aviation community is such that even the most macho-bound pilots sit up and take heed of her presentations and lectures. She has set an example of endeavour, skill, integrity and commitment that few others could match."

General Aviation Group Evolves

Further to last year's restructuring of CAA, the General Aviation (GA) group has evolved to reflect the makeup of clients that the group services.

These changes follow on from those announced in *CAA News* July/August 2000. Since that time there has been much emphasis on training, and the staff functions of entry certification and auditing have been merged. Sport and Recreation has become part of the GA group, alongside Rotary and Fixed Wing. Sport and Recreation coordinator, Rex Kenny, has been appointed Manager of the Sport and Recreation unit.

Merging the staff functions of entry certification and auditing is a logical change, which will mean that operators will see the same people for auditing as they dealt with for certification. Under the old structure the functions were carried out by separate groups, and this sometimes led to inconsistent treatment of Rules and manuals. As well as merging the functions, the team has participated in extensive training to share their combined knowledge and experience, as well as determining common Rule interpretation.

"In a 'one-stop shop' it was logical to merge the functions of certification and auditing, because they're not necessarily separate anyway. If you're an operator, it's an integrated and seamless process. Auditors and certification inspectors should know all of the process, and they



Typical of the new generation of aircraft in the microlight category are the Tecnam P92-S Echo (left) and P96 Golf

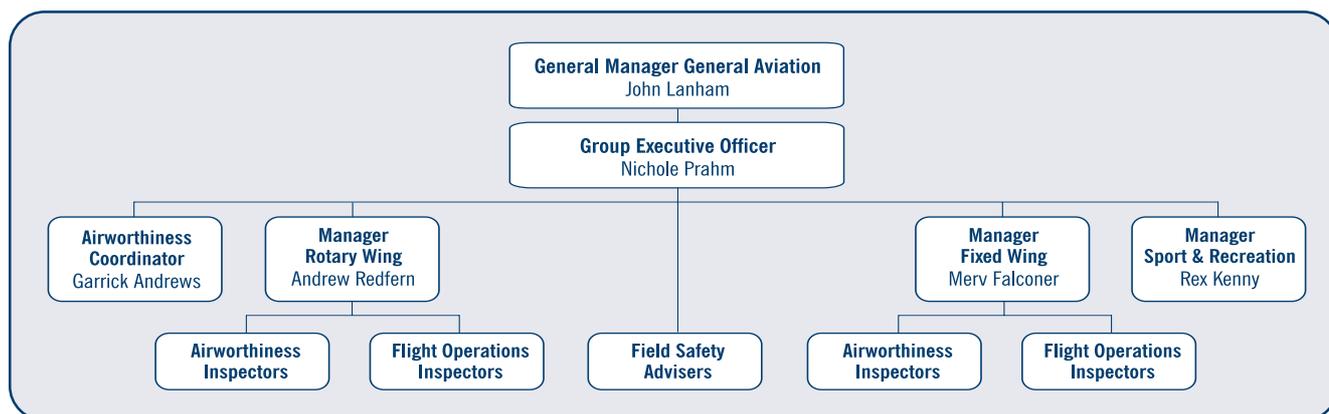
should have common interpretations of the Rules," said John Lanham, General Manager, GA.

Peter Kirker, CAA GA Project Officer, said that operators should find audits more convenient following recent improvements. "We've worked a lot on streamlining the auditing schedule so that we can visit operators in the one area at the same time - a big improvement for operators with more than one certificate, as we'll cover them in one visit."

On changes in Sport and Recreation, John Lanham said, "The appointment of Rex Kenny to Manager recognises the growth in the Sport and Recreation

sector, both in the number of participants and in the technology of the aircraft."

Of the 3295 aircraft on the civil register, 1128 are for sport and recreational flying. Rex will now receive part-time assistance, and another position is anticipated. Rex Kenny said, "Most sectors in aviation are declining at the moment, but sport and recreation is growing, with all of the activities becoming busier. There's also the likely link with commercial operations under adventure aviation, such as tandem paragliding, carriage of passengers in vintage aircraft and other activities."



Certification

Part 135 milestone reached

Another major milestone in the certification of Air Operators under the new Rules has passed, with all Part 135 operators of twin-engine fixed wing and rotary aircraft (nine seats or less) being certificated by the 28 February 2001 deadline.

"Some operators were initially reluctant to come under the new Rules," CAA GA Fixed Wing Manager, Merv Falconer said, "but as they've gone through the process they can see the benefits. Some were operating on very old manuals and systems. They've now had a review of their whole business, got everything up to date, and have systems in place to ensure monitoring of their standards."

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The next (and final) deadline in the recertification process is 28 February 2003 for all other Part 135 operators, comprising single-engine helicopters and small aeroplanes. "We want to encourage the remaining Part 135 operators to become certified just as soon as they can prepare their expositions. At their next audit date, if they've got their manuals ready, we can defer the audit and put them into the certification programme. This will be economic for them and expedite the certification of remaining operators," says Merv Falconer.

For further information on certification for GA operators, contact CAA GA Project Officer, Peter Kirker.

Freephone: 0800 119 135

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"As a sport pilot myself, I have close contact with the participants in my sector. For example, I make a special point of getting to all the fly-ins, air shows and AGMs. I can address the whole group when they're in one place. I solve more problems on a grass airfield under the sunshine, or shade of a tree, than I do sitting here answering the phone," Rex said.

Sport Aircraft Association President, Charlie Kenny, said he was pleased that the size and scope of sport and recreational flying is being recognised, "We're delighted with the appointment of Rex Kenny to the position of Manager, because of the knowledge and professionalism he has shown over the years as coordinator."

"I solve more problems on a grass airfield under the sunshine, or shade of a tree, than I do sitting here answering the phone"

Another new position in the GA group is an Airworthiness Coordinator to advise the three Managers. Garrick Andrews has been appointed to the position following six months with the CAA as an Airworthiness Inspector. Garrick's background covers a broad range of maintenance engineering in general aviation, fixed and rotary wing, and aircraft from recreational to airline and heavy transport.

Andrew Redfern, GA Rotary Wing Manager, also oversees all agricultural aviation operations. He has established a good relationship with the Agricultural Aviation Association (known as the Triple A). "We've started a productive dialogue, and there are clearly benefits for operators in belonging to an organisation like this, where the interests of operators who are spread around the country can be represented by one body in talks with authorities such as CAA and local government," said Andrew.

Putting a face to CAA in the field are the Field Safety Advisers (FSAs). They now come under the GA group, and there are three for Flight Operations: John Fogden who looks after the upper North Island; Ross St George the lower North Island; and Murray Fowler, the South Island. There are two FSAs for Airworthiness: Owen Walker in the North Island, and an additional one about to be appointed for the South Island, probably based in Christchurch.

"The restructure has been effective in improving relationships, and our subsequent development work in the GA Group has focused on our client groups and the activity sectors, enhancing the partnership between CAA and industry to improve safety," Mr Lanham said.



Crew Sloan

BASA

reciprocal visit successful

The US is changing all its international airworthiness agreements to the new BASA format. BASA stands for Bilateral Aviation Safety Agreement, and we've been in the process of negotiating our new BASA with the United States since 1999.

Last August a team from the FAA visited New Zealand to examine our systems, and they reported very favourably on the CAA and its ISO certification (see *CAA News* September/October 2000). They discovered there were some things we do particularly well, such as our rule making process, which is much more streamlined than that of the United States. The size of the United States and number of participants means that the consultative stages may take a very long time.

Two CAA representatives carried out the reciprocal visit to examine the FAA systems in January this year and found sufficient similarity for the BASA to proceed.

"For us it was more of a learning experience. We went to three locations and looked at the interaction between various sections of the FAA. This was particularly useful because it's such a large organisation and this helped us focus on the sections and people we need to deal directly with," said CAA Aircraft Certification Manager, Jeremy Remacha.

Having an international airworthiness agreement with the United States allows New Zealand to export light fixed-wing aircraft and associated products to the States, as well as allowing us to accept their certified aviation products. But the BASA allows more, "The BASA is a much more versatile form of agreement which will, in the future, allow many possibilities for New Zealand aviation businesses," said Jeremy.

New Zealand's current agreement with the United States is called a Bilateral Airworthiness Agreement (BAA). This is an agreement which outlines the products acceptable for import into each country and the procedures which apply. The new BASA consists of a high-level Executive Agreement and one or more Implementation Procedures (IPs) applicable to the aviation activity concerned.

"In order to transition from the current BAA, we're working on the Executive Agreement for the BASA, and the first IP, which covers Airworthiness, because that's what the original agreement covered. Developing IPs for other

activities will become possible once the BASA and Airworthiness IP are in place. This whole process takes a great deal of time," said Jeremy.

The BASA and Airworthiness IP should be completed by the end of this year. Outstanding issues with the FAA should be resolved by April, and then they require six to eight months to examine the Airworthiness IP in detail.

The old airworthiness bilateral (BAA) covered light fixed-wing aircraft and associated products. It was a very brief document which detailed eligibility of certain types of product certification only. The new IPs are large technical procedural documents containing details for various types of certification, processes for determining acceptability, the types of documents accepted, and procedures for obtaining technical assistance. By specifying such processes, the Airworthiness IP will offer significant new opportunities for the industry to explore markets in the US. It will also allow the technical staff from both authorities to deal directly with each other on



The Pacific Aerospace 750XL is currently undergoing certification by the CAA and FAA – projects such as these will be easier with the new BASA

airworthiness matters and for further expansion of the IPs.

"We're working with the FAA, so they appreciate that we have good oversight of the industry, that our staff are appropriately trained, that we understand and interpret standards, including airworthiness, in similar ways - in other words so that they can have confidence in our Authority," said Jeremy.

In April there's an annual meeting between the US and the eight countries in the Asia-Pacific region that have bilateral agreements. "This is a very useful forum to discuss mutual concerns and negotiate solutions. This year's annual meeting will be used to discuss and present solutions for any outstanding issues for the Airworthiness IP. For example, smaller nations such as New Zealand could share specialised technical expertise, such as test pilots, for certification projects," said Jeremy.

"We're keen to discuss
prospective projects in order
that we open dialogue with the
FAA to expand the BASA"

In the future, additional IPs can be negotiated for other sectors of industry, and it's most likely that Maintenance will be the next one. A presentation on Maintenance IPs will be given by the FAA Flight Standards Director, Mr Nick Lacey, at the April meeting. Other possible IPs, but well into the future, could include: Simulators, Flight Crew Licensing, and Environmental Testing.

"One of the great openings for industry will be in the approval of parts manufactured here. We've had briefings with the Aviation Industry Association and other industry representatives. We're keen to discuss prospective projects such as parts manufacturing approvals, technical standard order authorisations, and supplemental type certificates, in order that we open dialogue with the FAA to expand the BASA Airworthiness IP in these areas. In these instances the FAA may conduct a shadow certification exercise to gain the necessary confidence in our processes," said Jeremy.

If you require further information on the BASA, contact CAA Manager Aircraft Certification, Jeremy Remacha.

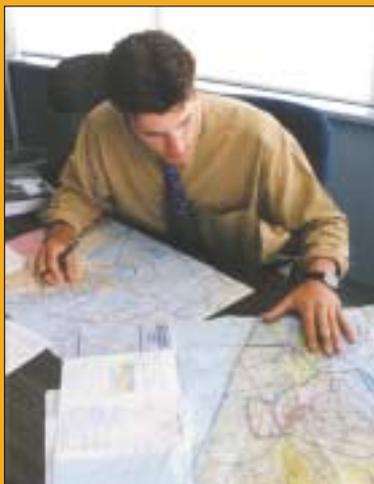
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Changes for Domestic VFR Flight Planning

Significant changes are proposed to domestic VFR flight planning. The changes allow for a simpler flight planning form, the ability to file flight plans over the internet, and the provision of a flight information service by broadcast transmission.

Pilots will still be able to file their flight plans by phone or fax, and flight information will still be available on-demand, if required.



A Flight Plan filed with Air Traffic Services (ATS) provides an alerting service, including basic information about a flight, should an aircraft become overdue or missing. Filing a flight plan is mandatory only under some circumstances (prescribed in Civil Aviation Rules, Part 91 *General Operating and Flight Rules*), but CAA safety education programmes have always encouraged preparing a flight plan for every flight. This introduces discipline

into a pilot's flight preparation and encourages pilots to obtain a weather briefing and NOTAMs, to plan fuel management and consider alternate aerodromes - all factors which improve safety. (There are additional requirements for air transport operations under Parts 121, 125 and 135.)

But following an Airways New Zealand increase in charges in 1999, the number of domestic VFR flight plans filed halved. Concerns about the safety effects from this decrease led to discussions between industry organisations and Airways.

Changes to the domestic VFR flight planning system were proposed that would require changes to the Civil Aviation Rules. This led to the formation of a CAA Industry Rules Advisory Group, Technical Study Group (CIRAG TSG), in October 2000. The TSG reviewed the Rules relevant to the proposed changes and have drafted a Notice of Proposed Rule Making (NPRM), which has now been published.

The proposed changes reduce the amount of information required and allow more automation to be used to process the information. This will allow charges to be markedly reduced. It is hoped that using a simpler form, being able to file flight plans over the internet, regular broadcasting of flight information, and the whole package costing less, will encourage more pilots to use VFR Flight Plans.

The Part 91 VFR Flight Planning NPRM is on the CAA web site (www.caa.govt.nz). For further information on domestic VFR flight planning proposed changes, contact CAA Rules Development Technical Specialist, Peter Williams.

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