

Discriminatory colour vision rules may force kiwi pilots to “fly the coop.”

Kiwi pilots who are ‘colour-blind’ can fly Australian registered commercial jet aircraft on an Australian pilot’s licence operating in New Zealand but can’t do so in New Zealand-registered aircraft on a New Zealand licence. No pilot in Australia, provided they have the appropriate training, is restricted from flying at night, holding an instrument rating or carrying passengers. Each of these privileges denied to New Zealand pilots who fail colour vision testing. This is because the regulations that implement the Aviation Colour Perception Standard by the Civil Aviation Safety Authority (CASA) in Australia are very different from the regulations that implement this Standard by the New Zealand Civil Aviation Authority (CAA).

Dr Arthur Pape is a GP, a CASA Designated Aviation Medical Examiner and a commercial pilot from Victoria, Australia. He will be speaking at the Aviation Industry Association’s conference on Monday to explain why the regulations are so very different on the opposite sides of ‘The Ditch’. He will outline how the Australian regulations were changed almost a quarter of a century ago, and the processes that led to these changes.

Dr Pape makes the point that all pilots throughout the world are highly trained prior to the grant of a professional licence to fly, and thoroughly tested for safe performance throughout their careers. The safe performance of their duties as pilots requires the acquisition of information, and colour recognition and naming plays little or no part in this process. The acceptance of this proposition was the basis of the decision of the Administrative Appeals Tribunal of Australia (AATA) as discussed below. This decision is further supported by the performance of colour vision defective pilots as evidenced by analysis of aviation accidents showing no differences between colour normal and colour defective pilots.

Dr Pape was involved in two appeals to the AATA involving the regulations related to aviation and colour vision defects in pilots in 1987 and 1989. The review of the regulations by AATA was thorough and exhaustive, spanning some 35 days of evidence presentation. According to Dr Pape, no other such examination of the regulations regarding defective colour vision in pilots has ever been conducted either before or since these two AATA appeals. After this comprehensive review of relevant evidence, the AATA decision was to revise the application of the regulations that reflected an evidence-based consideration of the role of colour as a critical information source in modern aviation. It recognized that the role of colour was not as critical as had been claimed. Conversely, the safety implications of the condition of defective colour vision were judged as not significant.

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The AATA is a branch of the Australian Federal Court and has the power to vary and reverse decisions made by a wide variety of Federal Government agencies, including CASA. Dr Pape’s understanding is that the AATA is unique to Australia; there does not seem to be a similar appeal body in New Zealand.

In many respects, the situation in New Zealand regarding the implementation of the colour vision standard in aviation is even more restrictive than the situation that existed in Australia prior to the AATA decisions in 1987 and 1989. This means that New Zealand’s colour vision defective pilots continue to be restricted in their career opportunities in aviation. Because of the differences in the implementation, many pilots have made the choice to achieve their dreams and ambitions across ‘The Ditch’.

Dr Pape has recently set up the Colour Vision Defective Pilots Association (CVDPA) that aims to support groups and individuals that are interested in improving their career opportunities in their own countries. The web address is www.cvdpa.com. A New Zealand branch of the CVDPA is in the process of being formed.