



Aviation Industry Association of NZ (Inc)

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The National Organisation in New Zealand of:
Aviation Education and Research Organisations
Aircraft Repair and Maintenance Organisations
Unmanned Aerials Systems Organisations
Air Rescue/Air Ambulance Organisations
Aviation Fuel and Oil Suppliers
Flight Training Organisations
Aviation Service Providers
Air Charter Operators
Helicopter Operators
Aircraft Constructors
Aviation Suppliers
Airport Operators
Airline Operators
Aviation Insurers

18 March 2013

Mr. Robert Jager
Chairman, Independent Taskforce on Workplace Health and Safety
PO Box 3705
Wellington 6140

Dear Mr. Jager,

I am writing to you on behalf of the Safety Advisory Committee (SAC) of the Aviation Industry Association (AIA). The SAC is a standing committee that reports to the Governance Board of AIA with a mandate to develop policies, standards and recommendations relating to matters of strategic importance to aviation safety, and to engage in activities and developments for the improvement of aviation safety.

The aviation industry is a model for safety management in high reliability sectors. We have experience of ensuring a safe operating environment under the sole jurisdiction of the Civil Aviation Act and more recently under the dual jurisdictions of both the Health and Safety in Employment Act and the Civil Aviation Act. Consequently we operate in a heavily regulated environment and from our perspective this is where the effectiveness of overlapping safety systems is not optimal. In practice, though, aircraft operators deliver safety through a combination of good risk assessment and safety management system processes – a legislated requirement of the HSE Act and a practical requirement of the Civil Aviation Act.

The key issue is that we do not believe that a split jurisdiction is desirable. It creates confusion and uncertainty, and is not conducive to enhancing aviation safety. An example has been provided in *Appendix I* to illustrate the difference in the definition of 'accident' under each of these acts.



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We are aware that the rest of the world has split jurisdictions between occupational health and safety, and aviation safety, with a clear demarcation of lines of responsibility and accountability. Therefore, regulation of aviation's safety performance, including occupational health and safety, should be delegated to the most competent agency.

We would strongly recommend that the taskforce considers placing all aviation safety including occupational health and safety in employment activities under one competent regulator, the Civil Aviation Authority and remove the present legislative overlap. We accept that this may require a change to the Civil Aviation Act. We understand, though, that a revision to this Act may occur in the not too distant future. Alternatively, the taskforce may like to achieve an outcome where the jurisdiction of the HSE Act does not extend to incidents / accidents as defined under the Civil Aviation Act, and all safety legislation and regulations relating to the operational aspects of aviation fall only within the jurisdiction of the Civil Aviation Act.

We consider that such a move would be hugely beneficial in developing an ethos of voluntary reporting of safety related events in a non-punitive environment, an aspect of aviation that is currently fairly widely prevalent in the aviation industry, but under threat from the imposition of multiple legislative regimes in New Zealand. The concept of 'just culture' is an integral part of aviation safety management systems and would be invaluable in encouraging and enhancing a self-regulating safety culture in aviation.

The Safety Advisory Committee of AIA would be pleased to meet with members of your task force to elaborate our views further.

Yours sincerely



Ashok Poduval
Chairman
Safety Advisory Committee