

Hello CVA members and supporters,

It has been a very interesting journey over the past 2 and ½ years since we formed Colour Vision Aviators. Over this time we have worked to understand the real issues, those affected and the less than satisfactory performance of those responsible for governing the processes involved.

We are pleased to now be able to provide a substantial and current report.

The NZCAA Medical Unit and the various Principle Medical Officers employed over the past 25 years place have placed restrictions on NZ colour deficient pilots. This is for both class 1 and class 2 medicals. A range of testing methods has been used and classifications used to describe to what extent limitations have been placed on the certificates.

The basis for these restrictions in most cases, have been found to be simply the opinion of the PMO at the time. This has evolved over many years and typically these restrictions are:

- No night flying
- No IFR
- Not valid for ATO air transport operations with passengers
- Not valid for special air operations

Over the years CAA has also provided 'dispensations' to many pilots, ranging from minor constraints to the use of their pilots license to fully unrestricted certificates, even with the license holder having a colour deficiency that CAA today would severely limit the pilot in exercising the privileges of their license.

Fortunately during our research we discovered the work that Australian Dr. Arthur Pape had done with regards to Colour Deficiency amongst pilots and its relevance to aeromedical significance.

Dr. Pape, a licensed and experienced pilot with multi-engine IFR qualifications (and with a CVD) was initially denied anything but a day VFR medical certificate. Dr Pape challenged CASA over this ruling and after many years took his case to the Australian Administrative Court of Appeals. Dr Pape presented significant scientific evidence supported by practical flight test data. In this case he demonstrated that colour deficiency has no 'aeromedical significance'. The court found in his favor.

Since this ruling was made CD pilots within Australia can fly unrestricted (with the exception of an ATPL as Pilot in Command on Air Transport operations). Once a person passes the Control Tower Signal Light Gun test, they are then issued an unrestricted medical certificate.

CVA published advertisements in NZ domestic aviation publications in order to see just how many pilots and or those who want to be pilots and have been affected by CAA policy on colour deficiency with their medical certificates. What was received was an overwhelming response from CD pilots. Many live in New Zealand with

severe certificate restrictions. Many pilots work off shore with no restrictions as they hold a CASA license. Most would love to return home to work in New Zealand.

Each Pilot had a unique story to tell as to how they had been treated by the NZCAA and the PMO's decision over the years. Many inconsistencies by the CAA have been disclosed through our research. What CVA has discovered is clear examples of discrimination towards pilots with CVD.

There are many CD pilots who are currently flying commercially, unrestricted, based and employed here in New Zealand with either foreign registered airlines or Air New Zealand. These pilots are safely carrying passengers on domestic and international routes. In some cases these pilots have received a dispensation from a previous CAA PMO. Some have simply been allowed to undertake the Control Tower Signal Light Gun Test. (This is currently used by the Canadian CAA, FAA and CASA Australia).

Now we would like to bring you back to the beginning of this update. We noted that the basis of CAA medical certificate restrictions was the concern of CD pilots being able to fly safely in New Zealand skies.

The question exists, if the entire basis of placing restrictions on CD pilots is safety, than why are some pilots allowed to fly in New Zealand and others are not because they happened to have applied for a medical certificate at a time between the changing of opinion of PMO's or they fly a foreign registered aircraft?

This is a blatant case of discrimination!

CVA have also uncovered in our investigation, that the current PMO as early as 2009, without consultation changed and added new restrictions on 2 commercial student pilots class 1 medical certificate. Upon their first annual renewal both of these student pilots had just completed their CPL Rotary License. Each obtained \$100,000 student loans. Because of these new added restrictions both of these pilots have been unable to obtain work here in New Zealand and were forced to travel to Australia. There they secured CASA class 1 medical certificates in order to utilize their licenses.

We have many more cases that we have recorded for future evidence when needed, but want to now move on to the most current activities.

In Feb. of this year we approached MP Winston Peters with the evidence and research that we had compiled.

After reviewing the situation Minister Peters had us provide him with three relevant questions that he would present during Q&A the month of May in Parliament directed to the Minister of Transport Jerry Brownlee.

After correspondence between the MOT, Minister Peters and the CVA, we than directed our concerns to the Director of the CAA. A General Directive soon surfaced from the CAA for public submissions regarding the policies towards color vision.

During all of this we have been sharing the evidence with the leaders of the whole of the Aviation Community in order to keep them informed with the developments.

On August 2, 2013 representatives of NZAIA, NZAOPA, NZALPA and NZ Aviation Federation attended a meeting with the Director of CAA along with three of his officials in Wellington. Dr.Pape came from Melbourne (with his costs covered by CVA) to attend and provide his expert opinion. Dr Pape is recognized as a world expert on colour deficiency in Aviation.

At this meeting everyone including the CAA after much discussion admitted that there were some serious concerns with the obvious inconsistencies that currently exist and that we would meet again in a few weeks time to discuss in more detail the outline and frame work of these concerns.

It was decided that the CVA would submit all evidence and concerns along with the presentation to the Australian Administrative Court of Appeals to the CAA via a submission by Nov 28<sup>th</sup> 2013 where it would be recognized and reviewed by a committee of experts in the field and the CAA Director.

This is an opportunity and stage to present evidence professionally and in open and transparent forum for all to see. The main objective of CVA is to ultimately remove all of the restrictions placed on CD pilots and eliminate discrimination.

In order to achieve all of this the CVA originally received some small as well as 2 substantial financial contributions to assist with the expenses incurred to run this campaign. These funds have now been exhausted and we urgently require contributions from those to who will benefit from the work that has and is still being performed to overturn these restrictions.

Any amount of donation will be appreciated and constructively used to obtain our goal. The largest expense to run this campaign is the cost of travel and accommodation not to mention the ongoing cost of telephone charges.

All of my time along with the efforts of others have been and are continuing to be donated in the hope and desire to achieve our goal. I have confidence that we will reach our goal!

To help, we suggest the following as a value for contributions:

- Aviation Organization, large membership – Diamond \$3,000
- Flying School/Aviation Company – Platinum \$ 1500
- Private Pilot/Individual – Gold \$300

Please make payments of any donations to the CVA account below.

Colour Vision Aviators  
Bank of New Zealand  
Papakura Branch  
Account # 02 04000096 144000

Following this news update, we will press on with the submission to CAA. We will provide further information as we proceed.

Thank you for your support and interest. We hope to achieve the changes with CAA to allow you or the person who wants a career in aviation with CVD unencumbered, free to enjoy the privileges of an unrestricted medical certificate.