

2017

# ANNUAL REPORT 2016/17

CAA Regulatory Investigations Unit



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# An Overview from Acting Manager RIU



I am pleased to present the second annual report of regulatory activities undertaken by the Civil Aviation Authority of New Zealand (CAA) Regulatory Investigations Unit (RIU).

The purpose of this annual report is to outline how the CAA has focused its regulatory investigative resource to identify and address system failures, and what actions and outcomes have resulted. This approach is in line with other aviation regulatory authorities who report their enforcement actions to provide a transparent mechanism by which the reader can be informed about regulatory actions taken in the public interest.

The CAA has recently updated its Regulatory Enforcement Policy which, in conjunction with the Regulatory Operating Model and Use of Regulatory Tools Policy, sets out the regulatory principles and guidelines for the application of the Director's regulatory enforcement powers.

The enforcement policy describes the approach used to secure the behaviors that CAA wants to encourage, and ensure compliance with Civil Aviation legislation, both by the aviation community generally and in individual cases; and by deterring and denouncing non-compliance when it is in the public interest to do so.

In the 2017 financial year the CAA commenced 38 regulatory enforcement investigations and assisted the operational units with 6 section 15A investigations and 147 aviation related concern (ARC) investigations. Over this period 435 ARC's were commenced and 354 completed.

The RIU has observed an increase in the number of remotely piloted aircraft or "drone" incidents being referred for enforcement investigation. This is reflected in the greater number of infringement notices issued for non compliance with Part 101 of the Civil Aviation Rules. The 6 summary prosecutions completed involved pilots who had operated without holding the necessary aviation document, flown without a current medical certificate, or undertaken careless/at risk flying.

I would like to take this opportunity to extend my thanks to the RIU team for all their hard work, skill and dedication over the past 12 months. It is clear that the proactive action taken by the unit to undertake and complete these investigations has made a significant contribution to helping create and sustain a safe and secure civil aviation system.

A handwritten signature in blue ink, which appears to read "Steve Pawson".

Steve Pawson  
Acting Manager – Regulatory Investigations Unit

# About Us

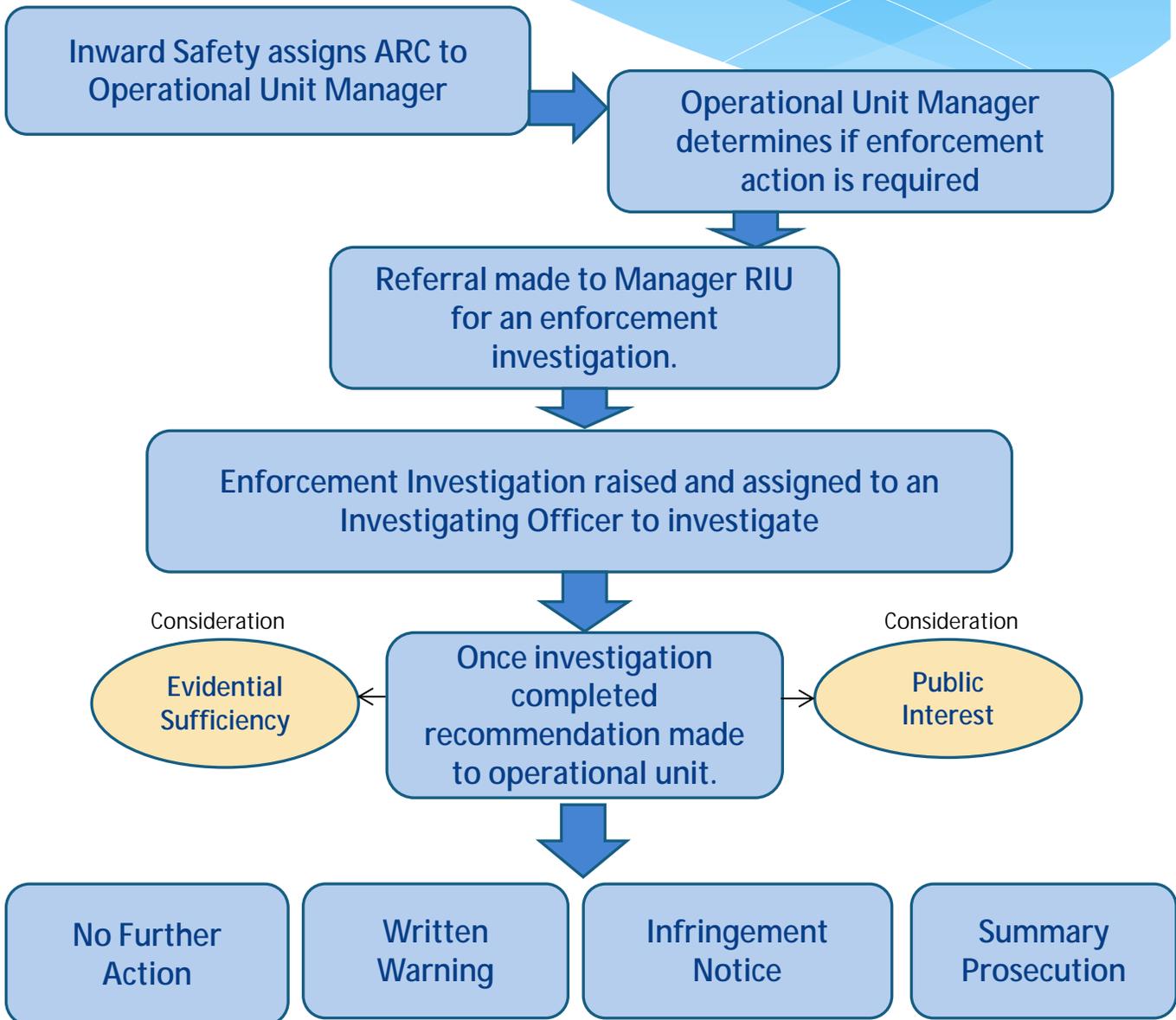
## The Regulatory Investigations Unit:

- \* The RIU conducts regulatory investigations on behalf of the CAA operational units to identify system failures. The investigations are mainly of three types:
- \* **Aviation-related concern (ARC) investigations** – a review of safety and security information obtained from a variety of sources to determine the nature and extent of risks that exist within the aviation environment, for the purpose of making a recommendation on what action, if any, to take;
- \* **Section 15A investigations** – to determine the nature and extent of any safety or security risk involving a document holder, and establish if action is required to mitigate or remove the risk to prevent future harm; and
- \* **Enforcement investigations** - to establish and document relevant facts, reach appropriate conclusions based on the available evidence, and recommend a suitable response to the decision maker responsible for determining what, if any, action should be taken in the public interest, to enforce the legislation.

## The RIU Team:

- |                             |                                |
|-----------------------------|--------------------------------|
| * <b>Stephen Pawson</b>     | Acting Manager                 |
| * <b>Roger Shepherd</b>     | Investigating Officer (ARCs)   |
| * <b>Rob McLellan</b>       | Investigating Officer (s15A)   |
| * <b>Dianne Cooze</b>       | Investigating Officer          |
| * <b>Malcolm Pilkington</b> | Investigating Officer          |
| * <b>Richard Brearley</b>   | Investigating Officer          |
| * <b>Jenny Harland</b>      | Investigations Support Officer |

# RIU Enforcement Investigation Process



# Investigations

Table 1. Total Occurrences 2013-2017

	2013	2014	2015	2016	2017
Occurrences	6535	6351	6591	6535	8154

Table 2. CAA Investigation work requests raised, 2013-2017

	01/07/2013 – 30/06/2014	01/07/2014 – 30/06/2015	1/07/2015 – 30/06/2016	1/07/2016 – 30/06/2017
Enforcement	52	42	28	38
Section 15A	2	4	6	6*
ARCs	374	389	378	435

\* 2 s15A work requests were opened over the 2016/17 financial year along with 4 CIP work requests, a total of 6 s15A investigations.

Table 3. s15A Investigation Outcomes 2017

4 s15A investigations were completed by the CAA between 1 July 2016 and 30 June 2017

Name	Outcome
Not Disclosed	Action taken against senior person position.
Not Disclosed	Limitations placed on microlight pilot licence s18.
Not Disclosed	Requirement for additional education/qualifications.
Not Disclosed	Operator process improvements implemented.

# Investigations (continued)

Table 4. Enforcement Investigation Outcomes 2013-2017

	Outcomes				
	2013	2014	2015	2016	2017
No Action Taken	2	6	3	7	3
Written Warning	10	10	11	10	13
Infringement Notice	3	15	11	8	15
Summary Prosecution	13	9	13	12	10
<b>Total</b>	<b>28</b>	<b>40</b>	<b>38</b>	<b>37</b>	<b>41</b>

Table 5. Enforcement Investigation Outcomes 2017

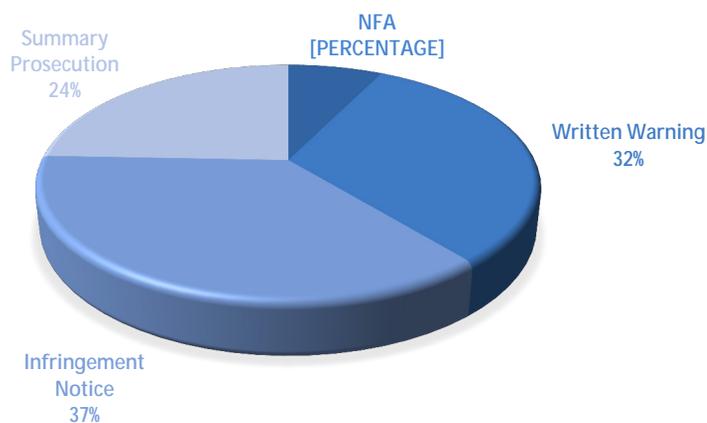
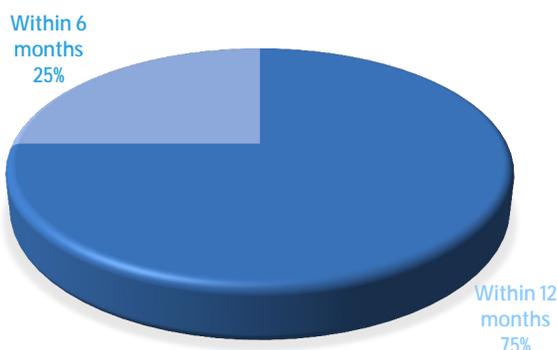


Table 6. Enforcement Investigation Timeliness 2017



# Investigations (continued)

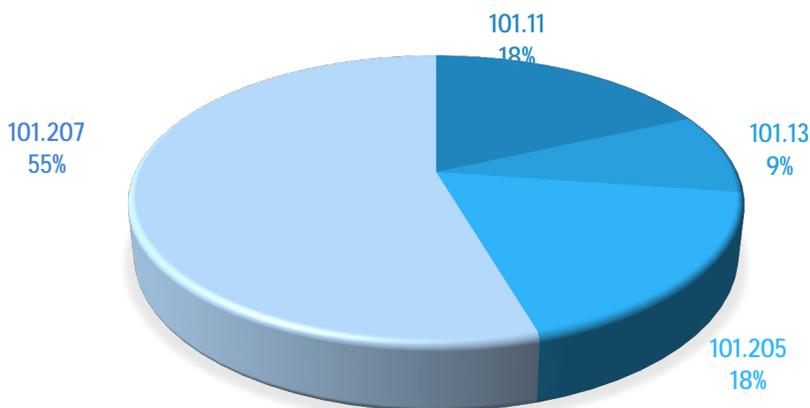
**Table 7. Enforcement investigations involving Remotely Piloted Aircraft (RPA)**

The RIU has completed 10 enforcement investigations involving RPA (drones) in the last 12 months which resulted in a total of 11 rule breaches being disclosed and 5 infringement notices being issued.

Offences Disclosed	
Controlled airspace without ATC authorisation – 101.11	2
Failing to take practicable steps to minimise risk – 101.13	1
Within 4 km of aerodrome – 101.205	2
Operating over persons or property without consent 101.207	6
	<b>Total 11</b>

Note: There are 2 RPA investigation currently on-going

**RPA Offences Disclosed**



# Prosecutions

Table 8. Prosecutions Summary, 2013-2017

	2013	2014	2015	2016	2017
Prosecutions Commenced	12	10	16	10	9
Prosecutions Completed	18	6	17	11	6

Table 9. Completed Prosecutions

Date of Offence	Date of Decision	Offence	Result	Section of Act	CAA Rule
7-Dec-14	9-Aug-16	During a CAA audit it was disclosed that the operator had been flying his helicopter with passengers on board when he had personally installed an unapproved and unsafe modification on the aircraft. The pilots actions exposed his passengers to a degree of risk that was unnecessary.	Initial fine of \$2,500 per charge. 25% discounted due to guilty plea. Defendant was unable to pay so the sentence was substituted to 180 hours' community work.	46	
15-Apr-15	1-Sep-16	Pilot exercised the privileges of his private pilot licence - aeroplane (PPL-A) when he did not hold an appropriate, current medical certificate issued under Part 2A of the Civil Aviation Act 1990.	The defendant was fined \$2400 and ordered to pay Court costs of \$130.	46A(1)(a) and (2)	
9 June 2015	31-Mar-17	Pilot conducted a landing under VFR at Hamilton when the weather conditions were below special VFR minima (reported cloud base of 500 feet). Aircraft was being operated on a Part 135 operation involving the carriage of fare paying passengers.	The defendant successfully completed a diversion program which involved undertaking a mentoring program with a senior flight instructor and making a donation of \$4,000.	43A	91.301

# Prosecutions (continued)

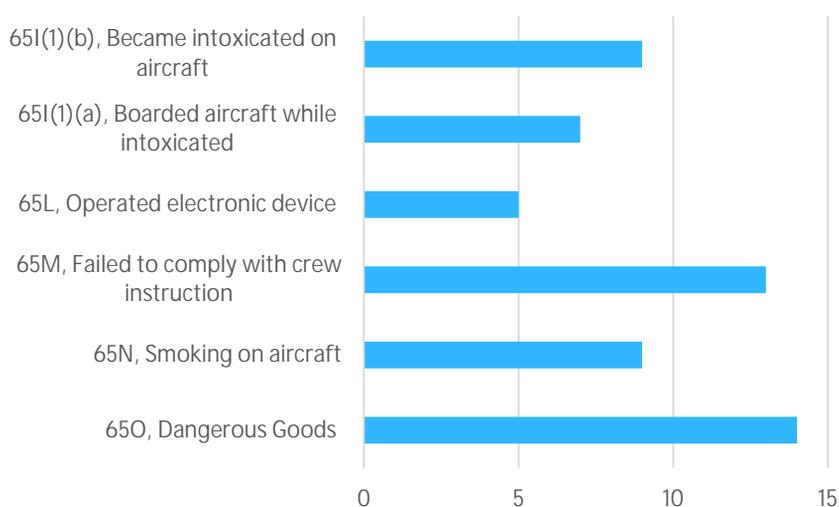
Table 9. Continued.

Date of Offence	Date of Decision	Offence	Result	Section of Act	CAA Rule
8-May-15	5 April 2017	The pilot of a commercial aircraft undertaking a Part 135 VFR operation neglected to check sufficient current and aviation-specific weather information. The resulting flight, in compromised conditions, included a low level steep turn near Devonport. The pilot faced a charge of careless operation, but the prosecution resolved with a guilty plea to a breach of CAR 135.153(a).	The Judge adopted the maximum sentence as the starting point. The end result was a fine of \$1,600 and court costs of \$135.	43A	91.311 91.301 91.153
22-Jul-16	29-May-17	Pilot flew his microlight aircraft when he did not hold the appropriate current aviation document, namely a Microlight Pilot Certificate.	Pleaded guilty. Starting point adopted of \$2500, due to the defendants inability to pay this was reduced to \$1200 plus 25% per cent discount for the early pleas, the final fine was \$900.	s46 and s52	
2-Jun-17		Subject was the pilot of a paraglider speed wing that crashed during a flight. Subject did not hold an appropriate hang glider pilot certificate, nor was he a member of a hang glider organisation. Subject also tried to conceal the offending by requesting first responders to lie and say that he had not been flying.	The judge adopted a starting point of \$1,500, which was then discounted to \$1,100 on account of a guilty plea.	s46	106.5

# Unruly Passenger offences

Table 10. Unruly passenger offences during 2016-2017 financial year

Unruly Passenger Infringement Notices issued between 1 July 2016 – 30 June 2017	
65O, Dangerous Goods	14
65N, Smoking on aircraft	9
65M, Failed to comply with crew instructions	13
65L, Operated portable electronic device	5
65I(1)(a), Boarded aircraft while intoxicated	7
65I(1)(b), Became intoxicated on aircraft	9
<b>Total</b>	<b>57</b>



# Unruly Passenger Outcomes

Table 10. Unruly Passenger Outcomes 1 July 2016 – 30 June 2017

Outcome	Total
Waived	7
Paid	28
Unpaid (MOJ)	18
Ongoing	3
Requested Court Hearing	1

