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Ministry of Transport
PO Box 3175
Wellington 6140

Dear Sir/Madam,

Submission on the exposure draft of the Civil Aviation Bill

I am Hallett Griffin the owner of Griffin Ag-Air Ltd in Palmerston North. We operate one Grumman Ag-Cat spray aircraft with a second back-up aircraft due to arrive from Australia. I commenced Agricultural Flying in 1964 at age 19 and have in April this year passed 55 years as a full-time pilot and having flown a total of 41,300 hours. I have a widespread knowledge of Ag Aviation throughout the world and the problems faced by our industry.

The place of Agricultural Aviation in the overall Aviation Industry in New Zealand.

The following principal must be acknowledged. Agricultural Aviation takes place in rural sparsely populated areas well below the height of other aircraft, whose minimum height is 500 feet, never carry a fare paying passenger and when operating has only one person on board. Agricultural Aviation therefore presents a very low level of risk to the general public.

Agricultural Aviation because of the nature of our work have very little in common with the rest of aviation as our job is more akin to a farm contracting business with whom we compete in some work.

The New Zealand Agricultural Aviation consists of 106 Rule 137 Certificate Holders. There are two large Fixed Wing operators amongst the 22 Fixed Wing operators with many smaller operators having between one and three aircraft. There is also a variation amongst the size of the Helicopter Industry ranging between 10-unit fleets down to single helicopters.

Our industry even though we present a far lesser risk to the general public has in the past 7 years been subjected to a greatly increased level of surveillance from CAA. We are increasingly being audited to a standard similar to an Airline operation with my last Chief Pilot being told that it was expected of him to be of the same standard as the Chief Pilot of Air New Zealand. A small company such as ours would never have the resources to support a Chief Pilot as would Air New Zealand.

It is a misuse of CAA resources to direct attention to Agricultural Aviation with only one person on board an aircraft. Their resources should have been directed at Air Transport operations and may have prevented the 27 deaths from the balloon accident at Carterton, the skydive accident at Fox Glacier and the helicopter accident at Franz Josef Glacier.

This unjustified treatment by CAA of the Agricultural Aviation Sector is also reflected in the Operations Safety Levy whereby an Agricultural Aircraft with only a Pilot on board and never sells a ticket to a member of the public pays up to \$25.00 per hour whereas an Air Transport Helicopter with say 6 passengers is paying only \$6.50 per hour.

Many of us small operators do not have either the time or financial resources to measure up to these Audits which can consist of three officers visiting a single aircraft operator with only two employees. In addition to these Audits we have from next year 2020 the imposition of a Safety Management System (SMS) on Agricultural Aviation. New Zealand will be the only country in the world with SMS imposed on Ag Aviation. SMS will be a diversion on day to day operational flight safety as safety in Ag Aviation is not a paper exercise but because of its operational environment at low level depends on Pilots being totally focused on low level operations. The only purpose of SMS in Ag Operations is to increase CAA's surveillance and control of operators with a decreased level of safety due to operators lack of operational focus by having to satisfy CAA at the expense of company operational flight safety. SMS in Agricultural Aviation is not Fit for Purpose.

These audits are only ever of a desk top nature and never an audit of Operational Flight Safety. This is totally the wrong emphases as some 90% of Agricultural Aviation accidents are due to pilot error whilst operating.

There has been in my opinion a major misuse of resources both personnel and financial by CAA towards Agricultural Aviation as instanced by the discredited Agricultural Aviation Safety Review (AASR) and the Sector Review, both I think to justify an increasing level of Auditing and Control of our industry.

This increasing level of Auditing of Agricultural Aviation towards Airline Standards is placing great pressure and stress on the Industry. Unfortunately, the CAA Act does not differentiate between different sectors of commercial aviation. The approaching level of surveillance is I think placing the future of our industry under great stress. Agricultural Aviation is a vital contributor to the future of the NZ Farming Industry and our very future and existence is under threat.

Many very experienced Operators and Pilots are now questioning their ability to withstand this new level of surveillance with one very experienced and respected person having vacated the Industry for this very reason and many questioning the effect on their health caused by stress. Our company and many others have identified CAA present attitude and culture as the number one hazard in their companies Hazard Register.

Prior to this change of direction by CAA our company had a very good series of audit reports and over the past seven years with no change in the CAA Rules our very existence as a Certificate Holder has been questioned.

We are very humble in stating that in the past 13 years our company has flown some 23000 hours involving 240,000 take offs and landings, sowing 430,000 tonnes of Fertiliser and spraying 400,000 hectares without an accident or incident.

Safety is achieved in Agricultural Aviation not by desk top auditing but by educating Pilots to change culture and discuss risks. The past 10 years has seen a major change in the safety culture of Pilots in Agricultural Aviation. The N.Z. Fixed Wing Industry in eight years between 2001 and 2008 lost 11 pilots in accidents with eight of them due to pilot error. Since 2008 the Fixed Wing Industry only had two fatal accidents one of which occurred during training.

A further area of concern to operations is the certification of application equipment on aircraft to the same standard as an Air Transport aircraft. This was not required in the past and to my knowledge there was never a single safety issue involved in 65 years with Fixed Wing. One operator had a delay of six months while a design company certified an improved hopper gate at a cost of \$18,000.00 for a piece of equipment very similar to others used for years. Our own company has spent \$12,000 certifying a spreader identical to others already used and we were required to undertake very risky unnecessary flight tests required by CAA. If you are modifying an Air Transport aircraft it is certainly justified to have a very rigorous certification system. Pilots are also now required to have maintenance authority to change minor things such as bearings when maintaining spray equipment.

I include a 10-point Pilot Check List which we initiated in 2009 and is published every four months in an Aviation magazine. I consider that a review of the CAA Act has to reflect the unique nature of Agricultural Aviation when compared to Air Transport operations.

After the Swedavia McGregor Report in 1988 CAA followed their recommendation to not have certification of 137 Agricultural Aviation operations and considered that a Commercial Pilots Licence for the Pilot and a Certificate of Airworthiness for the aircraft were sufficient as entry criteria in this area of operation. Some in the Industry did not support that view but I think that the time has now arrived to revisit that concept. I understand that the Europeans (EASA) have removed Agricultural Operations from being certified.

In 2011 CAA proposed a major change to the CAR Part 137 Rule that would have been very restrictive on our Industry. The Ministry of Transport decided that no changes were required. In flagrant disregard of that decision CAA then proceeded by way of exemptions, Rule changes and Advisory Circulars to bring into Law changes to the Rule 137 by these back-door methods showing a total disregard of the wishes of the Ministry of Transport. These changes became very onerous on the Agricultural Aviation Sector causing great organisational problems and financial hardship.

Another major issue is Section 10 of the Civil Aviation Act being the misuse of the Fit & Proper person legislation whereas CAA becomes the Judge, Jury and Executioner. If a Certificate holder (Aircrew or Operator) enters into a discussion with CAA over the interpretation of any Rule CAA can then and do question the Fit & Proper suitability and use this to withhold a Certificate. A person can of course appeal that decision but at a cost of time and finances. Some five years ago I was myself in this very situation where my suitability to be a Fit and Proper person came into question resulting in considerable personal stress.

Another major issue that must be considered in any revision of the Civil Aviation Act is the need for an independent Appeal Authority such as an Aviation Ombudsman. This could be used in the situation of a Fit and Proper person dispute.

These views of myself would be confirmed by the vast majority of Agricultural Aviation Operators who have neither the time or resources to make a submission.

Hallett Griffin
Griffin Ag-Air Ltd