

Recent Accident and Incident Reports

Type: Piper PA-34-220T KLW
Location: Ardmore **POB:** 5
Operation: Transport Pax A-B
Date: 10 Apr 2009 **Injuries:** Nil
Report: The pilot reported that the nose wheel would not retract after takeoff but it did so after being recycled. However when he attempted to lower the gear, the nosewheel would not extend. The pilot carried out the emergency checklist without success and decided to make a wheels up landing rather than land on the main wheels and risk tipping over.

Type: Robinson R22 IMG
Location: Cardrona Valley
Operation: Mustering **Injuries:** Nil
Date: 16 Apr 2009 **POB:** 1
Report: The helicopter had a low rotor RPM which, combined with a downhill flow of wind, caused the machine to collide with a hillside and roll down an 80m slope.

Type: Piper PA-28-181 LJX
Location: Alexandra
Operation: Training Solo **Injuries:** Nil
Date: 1 Apr 2009 **POB:** 1
Report: Aircraft struck a wooded fence pillar while taxiing and damaged the wing.

Type: Cobra Arrow Mark 2 JQX
Location: Hastings
Operation: Private Other **Injuries:** Nil
Date: 29 May 2009 **POB:** 1
Report: On landing while slowing down, the front nose gear struck a mound in the runway causing it to fail. The aircraft came to a halt on its nose with damage to the nose leg, propeller and cowl.

Type: Piper PA-18A-1 BRO
Location: Waiau River
Operation: Private **Injuries:** Nil
Date: 9 Apr 2009 **POB:** 2
Report: After suffering an oil leak, a precautionary landing in a riverbed resulted in damage to the undercarriage.

Note: Accidents and Incidents are sourced from the CAA website and are provided for information only. Accuracy is not guaranteed. Refer CAA website for full briefs.

Understanding liability principles

Insurance policies should cover much more than just damage to your own aircraft. Bill Beard from Avsure explains the issues to consider.

IT IS IMPORTANT for every aircraft owner and pilot to have a basic understanding of the principles of liability and the way it relates to their aviation insurance policy. The most common form of aviation policies are divided into three main sections:-

SECTION 1: Loss of or accidental damage to the aircraft hull.

SECTION 2: Legal Liability to third party property and bodily injury or death other than for passengers.

SECTION 3: Legal Liability to passengers when entering, on board or alighting from the aircraft.

In general terms however all incidents resulting in death or injury to persons in New Zealand are covered under the ACC Legislation and as such there is no provision in NZ for anyone including aircraft passengers to issue proceedings in New Zealand courts seeking compensation for death or personal injury. The Law however does not prevent claims for mental shock, distress or trauma so you still need passenger liability cover.

The main liability risk for New Zealand aircraft owners therefore are claims for accidental damage to third party property and the associated legal fees.

The main events likely to result in a third party property claim are as follows.



- Taxiing into another aircraft (biggest risk in the vicinity of fuel pumps or in tight manoeuvring areas).
- Damage to other peoples property as a result of a forced landing.
- Loss of direction on take-off or landing and running into other aircraft, fences, hangars or whatever. There was a close call at Ardmore recently when a landing aircraft lost directional control and crossed the adjacent taxiway at high speed just missing a highly valued brand new aircraft backtracking on the taxiway (it could have been a corporate jet!).
- Simple ground handling incidents such as pushing your aircraft into another aircraft or worse – a helicopter.
- The worst scenario – a mid-air collision where you may be found at fault.

If you damage another aircraft resulting in the owner of that aircraft having to make an insurance claim, it is the third party insurance company which will look around to see who was responsible for the damage and they'll be on your case in a flash to recover their repair costs. You need to ensure the aircraft liability coverage or limit of liability is adequate to cover you for any negligent acts. Half a million dollars is not nearly enough in today's world. The absolute minimum industry standard would be NZ\$1M but with the price of aircraft and associated equipment on today's market, most operators are insuring for at least \$2M to \$5M.

In aviation circles the amounts awarded can be quite large, therefore it's important to carefully consider purchasing high limits in order to have an adequate limit of liability to cover all possibilities.

All policies should include the "Pilot Indemnity Clause" which extends the policy to cover the pilot as if they were the insured. This gives the same protection to the pilot as to the policy holder but does not increase the liability of the insurers beyond the declared indemnity.



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