

# Application for an enforceable undertaking

September 2025

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to The Civil Aviation Authority New Zealand by

Name of entity or, partnership or individual applying for this undertaking

**Southern Lakes Helicopters Limited**

# Application for an enforceable undertaking

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to the Civil Aviation Authority by **Southern Lakes Helicopters Limited**

Name of the person or persons who will be signing this undertaking in section 4:

**Michael Hayes**

On behalf of: **Southern Lakes Helicopters Limited**

Name of the entity giving this undertaking

**Southern Lakes Helicopters Limited**

This enforceable undertaking is given on the day and date that it is accepted and signed by the Civil Aviation Authority. The undertaking and its enforceable terms will operate as a legally binding commitment on the part of the person from the date it is given.

Do not refer to the victim by name in this document. Please refer to the victim/worker/employee/volunteer/or other term as appropriate.

The Civil Aviation Authority respects your privacy and is committed to protecting personal information. The information provided in this document is for the purpose of an undertaking given to the Civil Aviation Authority New Zealand, under Part 4 of the *Health and Safety at Work Act 2015*. This information will be managed within the requirements of both the *Privacy Act 1993* and the *Official Information Act 1982*.

There is an expectation that the Civil Aviation Authority will generally publish the undertaking in full on its website.

TERM	DEFINITION
Contravention	An action which offends against the <i>Health and Safety at Work Act 2015</i> and/or any Regulations made under it. It includes both health and safety contraventions. A contravention also includes an alleged contravention.
HSMS	A Health and Safety Management System.
Person	An individual who or a legal entity which has a duty under the <i>Health and Safety at Work Act 2015</i> and can give a written undertaking. The term includes individuals, each partner in a partnership, corporations, trustees of trusts, and crown organizations.
Health and Safety legislation	<i>Health and Safety at Work Act 2015</i> and associated regulations.
Enforceable undertaking	An enforcement pathway that allows a duty holder to voluntarily enter into a binding agreement with the Civil Aviation Authority. The agreement outlines actions the duty holder will undertake to address the contravention. It is expected to deliver activities which benefit workers, the wider industry or sector and/or the community as well as acceptable amends to any victim(s).

**1. General information**

**1.1 Details of the person/persons/entity giving the undertaking**

Name of person(s) making this undertaking:

Michael Hayes

Name of entity:

Southern Lakes Helicopters Limited

Type of legal entity:

Company

Nominated contact person:

Michael Hayes

Physical address:

Sandy Brown Base at 52 Sandy Brown Road, Te Anau (the Te Anau Base).

Postal address: (if different from physical address)

Findex, 112 Town Centre, Te Anau, 9600 , New Zealand

Work phone:

Mobile phone: 027 374 8140

Email: michael@slheli.co.nz

Industry: Helicopter Services

Workers (enter numbers): 35

Full time: 26    Part time: 0    Casual: 9

Description of the products and services provided by the business or undertaking:

Southern Lakes Helicopters Limited (SLHL) is a family-owned business that provides Helicopter services in the Fiordland region, Mount Cook, and Scott Base.

It provides services such as standard passenger transport operations, scenic flights, charter flights, and passenger services cargo transfer services (for tourism, commercial, and industrial purposes).

SLHL is also engaged in assisting with avalanche control, search and rescue operations, and helicopter emergency medical services.

Comments:

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## 1.2 Detail of the contravention

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SLHL, between 22 April 2023 and 11 September 2023, at Te Anau, being a PCBU with a duty under subpart 2 of Part 2 of the Health and Safety at Work Act 2015, namely a duty to ensure, so far as reasonably practicable:

- the health and safety of the workers who work for the PCBU while the workers are at work in the PCBU's business; and
- the health and safety of other persons, namely the passengers in its helicopters, are not put at risk from work carried out as part of the conduct of the PCBU's business

And SLHL did fail to comply with that duty, and that failure exposed its workers and other persons, namely its pilots and passengers, to a risk of death or serious injury.

The Civil Aviation Authority alleges it was reasonably practicable for SLHL to:

- (a) provide its pilots with a safe system of work for undertaking mountain helicopter aviation operations, including by:
- i. accurately assessing the risks associated with mountain flying (including the potential of encountering adverse weather) before commencing air operations;
  - ii. providing its pilots with fit for purpose standard operating procedures for conducting those operations;
  - iii. having a suitable risk management process in place to determine the most effective controls for minimising the risks associated with having to land in mountain passes;
  - iv. implementing a suitable risk management process (including, without limitation, by providing its pilots with technological aids or engineering solutions);
  - v. ensure its pilots were routinely trained and assessed for competency in undertaking those air operations;
- (b) ensure its pilots were routinely trained and assessed for competency in undertaking those air operations;
- (c) supervise, verify, and audit its pilots' compliance with standard operating procedures, other documented requirements (including applicable Civil Aviation Rules), and good alpine helicopter aviation practice, so as to identify and correct any unsafe practices; and/or
- (d) provide its pilots with appropriate procedures and equipment to enable them to correctly calculate the weight and balance of helicopters before departure.

On or about 11 September 2023, at or near Murrells Pass, Fiordland, being a PCBU with a duty under subpart 2 of Part 2 of the Health and Safety at Work Act 2015, namely a duty to ensure, so far as reasonably practicable:

- the health and safety of the workers who work for the PCBU while the workers are at work in the PCBU's business did fail to comply with that duty, and that failure exposed its worker, namely its pilot [REDACTED], to a risk of death or serious injury; and
- the health and safety of other persons, name passengers in its helicopters, are not put at risk from work carried out as a part of the conduct of the PCBU's business, did fail to comply with that duty, and that failure exposed the passengers being carried on the Kawasaki BK117-C1 "BK" helicopter, registration ZK-IYY, to a risk of death or serious injury

The Civil Aviation Authority allege it was reasonably practicable for SLHL to:

- i. orbited before entering Murrells Pass;
- ii. approached any landing in Murrells Pass in the manner most likely to enable the landing to be safely aborted if required; and
- iii. approached any landing in Murrells Pass in the manner most likely to enable a horizontal landing to be achieved.

On or about 11 September 2023, at or near Murrells Pass, Fiordland, did breach a provision specified in the first column of Schedule 1 to the Civil Aviation (Offences) Regulations 2006, namely Rule 12.101 of the Civil Aviation Rules, by removing the contents of an aircraft that had been involved in an accident, without the authorisation of the Civil Aviation Authority:

- i. By removing cargo from a Kawasaki BK 117 C1 Helicopter, aircraft registration ZK-IYY, after it made a hard landing in Murrells Pass.

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### 1.3 Detail the events surrounding the contravention

The charges arise out of an investigation by the Civil Aviation Authority (CAA) into an accident that occurred in Murrells Pass, Fiordland, at around 11.00 am on the morning of 11 September 2023.

Two of SLHL's pilots were scheduled to fly passengers and cargo from SLHL's Te Anau Base to the Supper Cove, as part of a commercial transport operation. The pilots prepped a Kawasaki BK117-C1 "BK" helicopter, registration ZK-IYY, which was the helicopter involved in the accident, and another helicopter, registration ZK-IRM.

The pilots assessed and discussed the weather forecast; there was a south-westerly approaching. When the passengers arrived, one of the pilots gave a safety briefing before they boarded the aircraft.

At the time of the Accident, SLHL's procedures allowed its pilot to decide on a route prior to departing the base. However, once flying, if the prevailing meteorological conditions changed, the pilot could choose an alternate route.

The pilots decided that ZK-IYY would leave Te Anau after ZK-IRM to allow ZK-IRM time to land and unload at Supper Cove; due to tidal conditions and because there was limited room at the landing site.

ZK-IRM departed Te Anau at 10.43 am with four passengers on board and arrived at the destination approximately 28 minutes later at 11.11am. The pilot travelled south-west from Te Anau through the Spey Valley, entering the Mackenzie Pass to travel into the Seaforth Valley, and from there to Supper Cove.

At 1104am the pilot of ZK-IRM radioed the pilot of ZK-IYY to advise him that he was "*through Mackenzie in the Seaforth going past Murrells*" and "*from this side, it's clear*". ZK-IYY had departed Te Anau approximately 3 minutes before this radio transmission was received.

By the time ZK-IYY was approaching the eastern end of Lake Manapouri, visibility had reduced to between 4000 and 5000 metres due to rain. By 11.18 am, ZK-IYY was at the head of the Spey Valley, approaching Murrells Pass, intending to enter the Mackenzie Pass to proceed into the Seaforth Valley. Passengers describe the level of cloud cover as increasing, becoming patchy, with visibility decreasing as the aircraft climbed while following the Spey Valley.

As the pilot approached Mackenzie Pass, he realised that the visibility wasn't good enough and decided to land in Murrells Pass. When entering Murrells Pass ZK-IYY was less than 500 ft AGL and visibility was limited to approximately 500-700 metres. As the aircraft approached the western end of Murrells Pass, the pilot assessed the conditions and decided he could not proceed into the Seaforth Valley. He began to turn the aircraft to the right, away from the end of Murrells Pass as it descends into the Seaforth Valley. At 11.21 am, ZK-IYY experienced a heavy landing .

No passengers were physically injured but the helicopter sustained significant damage.

The pilot notified the other pilot, already at Supper Cove, and requested that he come to their position, he also notified SLHL's Te Anau base by satellite phone advising that ZK-IYY had made a heavy landing.

The other pilot, flying ZK-IRM, landed at the incident area at 11.33 am. The pilot evacuated the passengers and the cargo from Murrells Pass using ZK-IRM.

SLHL accepts that its pilots should have been audited in relation to their pre-planning of flights, particularly in regard to the assessment of weather conditions. Similarly, it would have been appropriate to audit pilots to ensure that they were operating within met minima.

Further SLHL accepts that it should have had a system in place to audit its pilots in relation to weight and balance calculations,

SLHL accepts that the briefing given to passengers was inadequate. During the briefing one passenger left to go to the toilet. SLHL should have provided safety briefings to all passengers and they should have included the differences between the two aircraft being flown. The briefings in relation to the BK helicopter should have referenced the

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particulars of the doors and emergency exits.

In relation to the hard landing, SLHL accepts that its pilot departed from good mountain flying practice; had appropriate techniques been performed, the pilot would have had sufficient power to fly away or bring the helicopter to a hover and undertake a controlled landing,

SLHL acknowledges that the passengers were concerned during the flight from the hard landing scene. Its pilot, who was very experienced in mountain flying, believed that the flight was safe to undertake and that the passengers were fit to be taken to their intended destination. In hindsight, SLHL acknowledges that a more considered approach would have seen the passengers being taken to base for a medical assessment and debrief.

SLHL acknowledges the importance of having in place systems which robustly assesses a pilot's skill in mountain flying, in addition to considering their extant skills and on-the-job training.

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#### 1.4 Detail any enforcement notices issued that relate to the contravention as detailed in term 1.2

DATE	NOTICE TYPE	NOTICE NUMBER	CONTRAVENTION OR PROHIBITED ACTIVITY	ACTION TAKEN IN RESPONSE TO NOTICE
20/09/ 2023	Section 17(a), (b), and (d) of Civil Aviation Act 1990		Operations were restricted to non-passenger carrying only. This was lifted on 17 October 2023.	Developed and implemented an assurance program which focused on flight authorizations', passenger weights, safety briefing and seating, Pax Communication, s13A Guidance, Met Minima, Flight and Duty and Assurance. Set out in further detail below.

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#### 1.5 Detail the rectifications to the workplace or work practices made as a result of the contravention (1.2), events (1.3) and the enforcement notices issued (1.4)

Immediately following the incident, SLHL carried out an internal investigation into the incident, and its systems and processes. As a result, the following changes were made:

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- SLHL carried out assessments of its safety briefing process. This involved:
    - o Reviewing the areas where the briefings were delivered in all of its offices (Lakefront Office, Aoraki/Mt Cook Airport and Scott Base Antarctica) to ensure they were deemed appropriate. Additionally, SLHL now has a new facility for safety briefings was built in Te Anau to reduce distraction for passengers.
    - o Implementing a compulsory headcount to be carried out before the safety briefing to ensure all passengers are present;
    - o Implementing a requirement for the pilots to confirm with the passengers that they all understood the briefing and the demonstration on how to use the safety equipment, check that the seat belts are on, and doors are closed, and whether the passengers have any questions before departure.
  - SLHL's safety briefing is now delivered by video (available in English and Mandarin and includes subtitles Chinese).
  - SLHL carried out an assessment in relation to its Weight and Balance checks and has:
    - o Developed and implemented a Weight and Balance Standard Operating Procedure (SOP) in addition to the existing instructions of the Operations Manual.
    - o Created pilot templates to ensure the correct use and understanding of the iBal app, Daily Flight Risk Assessments (DFRA), requirements for actual and declared weights and understanding of supply tank requirements for BK-117 pilots.
    - o Introduced quarterly audits on weight and balance to be conducted by the Chief Pilot.
    - o Introduced an additional requirement for actual weights to be used when departing company facilities and declared weights are only to be used in remote locations.
    - o Introduced a wristband policy, which requires wristbands to be issued to passengers on multiple aircraft charters. There are separate color wristbands for each aircraft to represent the correct flight manifest.
    - o Introduced an electronic iBal which is also required to be completed following the paper-based calculation after doing a manual weight and balance calculation as part of a type rating. These are then audited in accordance with LOSA audit.
  - SLHL has developed and implemented a Daily Flight Risk Assessment (DFRA) to be submitted by every pilot at the start of each day, and on occasions multiple times a day when triggered.
  - SLHL has developed and implemented a 13-week assurance program that utilised the CVR, tracking data and observer.
  - SLHL has reviewed and updated its Medivac SOP.
  - SLHL has reviewed and updated its internal audit schedule to include quarterly audits that will include:
    - o Pre-flight preparation – pilots submission of DFRA, daily weather and NOTAMS, W&B.
    - o Compliance with company fatigue management plan.
    - o Delivery of the safety briefing requirements.
    - o Audited flights are in accordance with CAR 91.311.
  - SLHL has implemented use of Tracplus' software to audit the height AGL of flight routes.
  - SLHL has implemented a new SOP for the use of lifejackets.
  - SLHL has implemented a Line Operations Safety Audit (LOSA) audit for pilots into the annual audit schedule.
  - SLHL has introduced a Quick Reference Guide' has been inserted into each aircraft for Pilots to follow in the event of an emergency.
  - SLHL is in the process of finalising an SOP for "Daily Operations" to supplement SLHL Operations Manuals.
- Additionally, the pilot of ZK-IYY was stood down immediately in accordance with SMM 3.7 and the CEO issued a formal letter to him. The pilot was required to complete a training workshop and review a video relating to:
- o How to approach a pass to maintain the space, view the next valley and land if required; and
  - o Increasing the angle of approach for ridge and pass crossings.
- SLHL has undertaken the rectification work to ensure that it complies with its statutory and regulatory obligations.
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## 1.6 Total amount of money spent on rectifications

Rectification	Cost
Safety Briefing Video	\$13,587.60
Pappus Consulting – Gap Analysis and Implementations	\$71,925.51
External consulting and investigation assistance, Lloyd Matheson	\$7,200.00
External consulting and investigation assistance, Richard Mills	\$6,000.00
Safety Briefing Portacom building and weigh station	\$52,000.00
<b>Total cost</b>	<b>\$150,713.1</b>

## 1.7 Detail the injury sustained or illness suffered by victim(s) or other(s) as a consequence of the contravention or, (as applicable) the *potential* for fatal injury or future fatal illness

No passengers were physically injured. SLHL is aware that a number of the passengers suffered from PTSD and other psychological injuries following the incident and have attended counselling.

## 1.8 Detail any offer of amends or payments made to the victim(s) who sustained injury or suffered illness (the total monetary amount here is also to be included in the table at 3.12.3)

On the day of the accident (September 11 2023), the Safety Manager, Senior Pilot and Manager of the Charter Boat had a phone call with the skipper on the vessel where the passengers had been taken to. This was a welfare check for the passengers with the offer to go and collect any of them who wanted to return to Te Anau. The skipper of the vessel confirmed the group were happy and they all wanted to continue with their expedition. The offer to go and collect anyone should things change at any time during their voyage was reiterated.

On the morning of 12 September, SLHL sent an email to the skipper as another welfare check and apology with some direct health and wellbeing points covered off (this is enclosed with the application). SLHL also stated that senior management would meet them on arrival back in Te Anau for a debrief. The skipper responded with positive confirmation stating the group are going well; he noted the offer of the debrief would be appreciated.

On 13 September, the passengers involved in the incident were met by SLHL's CEO and Safety Manager at the Fiordland Helicopter Hanger (where). After an introduction by the CEO, a post-accident debrief was conducted by the Safety Manager. The passengers engaged in conversation and were provided with the details of the CEO and Safety Manager and told to contact them at any stage if they required any help.

The group were informed that the CAA had been notified and that the CAA and SLHL would be carrying out investigations.

On 16 September SLHL sent a follow-up welfare email to the passengers, re-iterating SLHL's apology and offering its support if they wanted to talk through anything. The safety manager / occurrence investigator also requested witness statements from each passenger.

Subsequent check-ins by email were made by the safety manager who also made several attempts to call and check in with the passengers in the weeks following the Accident. Examples of these emails are enclosed with this application. SLHL can provide the full set of emails on request.

On execution of this enforceable undertaking, SLHL proposes to pay ████████ to the passengers as follows;

- ████████ to the two passengers who have suffered significant ongoing distress/harm; and
- ████████ to the other three passengers.

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**1.9 Detail any consultation with the victim(s) as to their views on whether an enforceable undertaking would be an acceptable alternative to prosecution**

SHSL has not yet consulted with the victims on this application. If this application is accepted it will arrange a facilitated meeting (if desired by the victims) to discuss the findings of the investigation, the changes implemented and the EU application process.

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**1.10 Detail any consultation with unions/sector/industry as to their views on whether an enforceable undertaking would be an acceptable alternative to prosecution**

SLHL has consulted with the Helicopter Association, Department of Conservation, Rescue Coordination Centre NZ and the Civil Aviation Authority while preparing this application. Letters of support are enclosed with this application.

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**1.11 Detail the support provided or proposed by the person to the victim(s), other(s)**

DATE	DESCRIPTION OF SUPPORT	COMMENTS
Within 10 working days of execution of this EU	██████ to be paid to the passengers as detailed above.	

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**1.12 Detail any current SMS implemented and maintained by the person**

SLHL operates a comprehensive Safety Management System inclusive of Health, Safety & Environmental values. The health, safety & well-being of all staff and the environment is respected and regarded with the highest importance by the CEO through to operational staff, and influenced by a top-down, bottom-up philosophy.

SLHL's Safety Management System operates in accordance with CAA rule Part 100 Safety Management Systems. Refer to the 13 Elements outlined in <https://www.aviation.govt.nz/assets/publications/sms-resources/sms-booklet-1.pdf>

- The SLHL Air Operating Certificate and corresponding Operations Specifications (Ops Specs) is measured and issued to SLHL on the company's compliance with the following:
  - Civil Aviation Act 2023.
  - Civil Aviation Rules.
  - Company Exposition Suite:
    - o Management Manual
    - o Operations Manual
    - o Maintenance Manual
    - o Training Manual
    - o Safety Management Systems Manual
    - o Company Safety Policy.
    - o Company Risk and Hazard Register.
    - o Operational SOP's.
- As well as the 13 Elements of SMS, SLHL actively allocates time, people, finances, and commitment to the following:
  - **Leadership – with the goal of demonstrating and fostering a positive and healthy workplace culture.**
  - Senior Persons – easily approachable to all employees – approved by the CAA.
  - Non-aviation related senior persons outside of the aviation structure – general manager, base leaders, safety officers, lead pilots for remote bases.
  - Assignment of roles and responsibilities.
  - Monitoring, Coaching & Review of performance and progress in all roles and company procedures.
- **Planning**
  - Induction, training, and professional development for all operational staff relevant to role.
  - Appropriate allocation of work and responsibilities to workers.

- Emergency response plan availability and readiness.
- Procurement of equipment.
  
- **Communication**
- 'All staff' safety meetings - fortnightly
- Pilot meetings – monthly
- Management meetings - triannual
- Maintenance meetings – weekly
- Further operational communication in the form of client's needs, risk assessment, toolbox, or pre-start meetings, JSEA's, post job or end of day debriefs.
  
- **Safety Reporting System**
- All staff are actively encouraged to share observations and use the reporting system to report hazards, incidents, accidents, opportunities for improvement, and positive observations.
  
- **Shared Learnings to Industry**
- Delivery of post occurrence learning by presentation to commercial clients, large scale industry events, and industry magazines and regulatory material.

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### 1.13 Detail the level of auditing undertaken on the SMS, including compliance audits and audit frequency

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SLHL's view is that internal and external auditing is a critical part of measuring effectiveness and performance of the safety management system. Audits are a way of ensuring the system is working as intended as well as identifying opportunities for improvement, compliance or non-compliance with rules and company policies & procedures and identifying safety issues.

#### Internal Audit Programme

- SLHL have an approved audit schedule in accordance with CAA Rule Part 100 - Safety Management Systems, *Element 10 – Internal Audit Programme* and the company Safety Management Manual – this was approved by CAA.
- Internal audits are conducted by Senior Persons or Management who have attended training and are also involved with external audits on the company.
- The audit schedule is reviewed and updated annually by the safety department and presented at management meetings for input and approval. The annual review allows the audit schedule to be updated and to reflect areas identified for improvement through the safety reporting or auditing process.
- As well as the documented audit schedule, the company also conducts random spot audits or site visits. By way of example, re-weighing and validation of commercial cargo weights, observing the delivery of safety briefings given by ground and air crew and aircraft satellite phone numbers.
- Findings or Opportunities for Improvement (OFI) are recorded on the audit report and submitted to the CEO and Chief Pilot, as well as being entered into the company safety reporting software as an audit finding. Audit Findings and any associated actions are tracked through until completion.
- Internal audit categories within every 12-month cycle include:
  - o Operational
  - o Maintenance Providers
  - o Parts Suppliers
  - o Company Documentation
  - o Training
  - o PCBU's
  - o Company Facilities
  - o Equipment
  - o Effectiveness of Controls
  - o Vehicles
  - o Rescue Helicopter

#### External Audits

SLHL receives regular external audits from regulators and clients:

- Since the implementation of SMS, SLHL have undergone regular external audits by CAA – Operational, SMS and

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Maintenance audits that are approximately six to twelve months apart. The most recent recertification audit (Four days) was conducted between 21 – 24th August 2023. This was three weeks prior to the accident.

- Telarc conducts annual onsite audits for certification against ISO 9001 and 8156.
- FENZ conducts regular facility visits, and remote audits in accordance with its operational requirements and safety.
- DOC carries out regular facility visits, and remote audits in accordance with DOC operational requirements and safety.
- Total Aviation and Quality carries out annual audits for 'Risk and Hazard Assessments' for Antarctica Operations.
- SLHL was a member of AirCare and received regular and robust audits until this programme came to a close in 2024.
- On occasion SLHL will receive a request to complete a prequalification audit for clients such as Downer, Powernet, Elexctrix. This is a lengthy and detailed process.
- Every now and then we get a request
- Aviation Dynamics carry out a (onsite or remote) Operational and Safety Management Systems when required by SLHL.

All audit findings or opportunities for improvement (OFI) are recorded on the audit report and verbalized by the auditor. They are then entered into the company safety reporting software as an audit finding. Audit Findings and any associated actions are tracked through until completion.

#### **Historical Audits**

Prior to the implementation of SMS in 2020, SLHL conducted regular operational audits under the QMS (Quality Management System).

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### **1.14 Detail the consultation undertaken or proposed to be undertaken, in relation to this undertaking**

SLHL has engaged with the Civil Aviation Authority, the Helicopter Association, Department of Conservation and Rescue Coordination Centre NZ, while preparing this undertaking.

Please find enclosed with this application letters of support from:

- Department of Conservation (DOC)
- Rescue Coordination Centre (RCC)
- Helicopter Association of New Zealand (branch of the Aviation Industry Association NZ, AIA)

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## **2. General terms**

SLHL acknowledges and commits to the general terms set forth in the sub-terms below.

### **2.1 Acknowledgment that the Civil Aviation Authority alleges a contravention occurred as detailed in term 1.2**

SLHL acknowledges that Civil Aviation Authority alleges a breach of the duty to ensure the health and safety of its workers and other persons.

### **2.2 Statement of regret that the contravention occurred**

SLHL acknowledges that Civil Aviation Authority alleges a breach of the duty to ensure the health and safety of its workers and other persons.

SLHL sincerely regrets the incident that occurred on 11 September 2023 and the harm that it caused to the passengers as a result.

SLHL has made a number of changes to its practices after the incident and is committed to ongoing reflection, testing and verification of its work practices in the hope that no similar event occurs in the future. This enforceable undertaking is intended as a tangible demonstration of that commitment.

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### **2.3 Statement of the reasons why, on balance, the person considers this undertaking is the most appropriate response to the contravention**

The circumstances of the alleged contravention mean that this undertaking is a proportionate and meaningful response to the event.

Importantly, the passengers and pilot were fortunate enough not to suffer physical injuries. SLHL acknowledges that some of the passengers have experienced psychological effects as a result of the heavy landing and that the Accident was traumatic. This application includes a restorative justice process to address these aspects.

The CAA investigation highlighted some failings which SLHL believes are likely to exist through a number of organisations. SLHL sees great benefit to the wider aviation industry through engaging in this process. It believes that the activities it is agreeing to undertake will have tangible safety outcomes for the aviation sector.. SLHL's view is that its proposals will provide key information to aviation operators to enhance pilot and passenger safety.

SLHL acknowledges the psychological harm inflicted on the passengers. Given that no one suffered physical injuries in the incident, SLHL respectfully believes that one of the core foundations of a prosecution, namely deterrence, is less relevant in these circumstances and that the enforceable undertaking will result in industry awareness of the safety initiatives; with a corresponding benefit to the aviation sector. There is also a significant degree of deterrence through an organisation having to commit significant resources to improve the safety within an industry.

Before any formal allegation of a contravention, SLHL had taken significant steps to manage any risk. These steps reflect SLHL's genuine commitment to improve its processes for protecting worker and passenger safety.

Agreeing to this form of resolution will ensure that safety benefits for the industry are realised sooner than would otherwise be the case. The industry participants' views on the potential benefit of the undertaking reinforce the benefits that will arise.

SLHL does not consider that this prosecution is sufficiently different or unique to generate significant publicity or change within the industry through a conviction.

SLHL is confident that the benefits proposed by this application are an appropriate way to improve safety standards.

Finally, SLHL believes that the publication of this undertaking will achieve denunciation and deterrence. The financial commitment is substantial, and a record of this undertaking means there is publicity associated with the alleged contravention.

Taking the above into account SLHL considers this proposal is the best response to the alleged contravention.

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### **2.4 Statement of commitment that the behaviour, activities, and other factors which caused or led to the alleged contravention has ceased and will not reoccur.**

SLHL has already made clear, through its actions, its commitment to ensuring the factors that played a role in the alleged contravention will not re-occur. It will continue to work to improve worker safety and manage the risks inherent in its business to the best of its ability.

Since the incident, SLHL, the PCBU has been engaged in a significant cultural shift which will ensure that safety is absolutely paramount; including strict adherence to the CAA Rules and the exposition.

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### **2.5 Acknowledgment of the policy published by the Civil Aviation Authority or the acceptance of an undertaking**

(write the name of the person(s) or entity giving the undertaking)

SLHL has read and understood the Enforcement Undertaking Operational Policy.

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### **2.6 Acknowledgment that this undertaking will be published and publicised in full**

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(write the name of the person(s) or entity giving the undertaking)

SLHL acknowledges that the undertaking will, if accepted, be published on CAA website in full and referenced in CAA material.

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## **2.7 Statement of the person's ability to comply with the terms of this undertaking and meet the projected costs of the activities**

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SLHL has the financial ability to comply with the terms of this undertaking.

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In the event of impending receivership, liquidation or sale of the entity, Southern Lakes Helicopters Limited will advise CAA of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

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## **2.8 Statement outlining any relationship between the person and any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarships or other recipients of financial benefit contained in this undertaking**

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The relationships involved with this enforceable undertaking are set out below:

- The passengers involved in this incident, who suffered as a result of the incident and therefore will receive emotional harm reparation.
  - Fiordland Marine Search and Rescue Team Incorporated who will receive a donation if the EU is successful.
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## **2.9 Statement regarding Intellectual Property**

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SLHL grants Civil Aviation Authority a perpetual, non-exclusive, worldwide and royalty-free licence to use, for any purpose, all Intellectual Property Rights in relation to any material developed as a result of this undertaking. This licence includes the right to use, copy, modify and distribute the materials.

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## **2.10 Acknowledgement that the person may be required to provide a statutory declaration**

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SLHL acknowledges that it may be necessary for the Civil Aviation Authority to obtain a statutory declaration outlining details of any prior convictions (safety related) outside of New Zealand and that it will provide such declaration if required by the Civil Aviation Authority.

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## **2.11 Statement of commitment from the person to participate constructively in all compliance monitoring activities for this undertaking**

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- 1 It is acknowledged that responsibility for demonstrating compliance with this undertaking rests with the person.
  2. Evidence to demonstrate compliance with the terms will be provided to the Civil Aviation Authority by the due date for each term.
  3. The evidence provided to demonstrate compliance with this undertaking will be retained by the person until advised by the Civil Aviation Authority, that this undertaking has been completely discharged.
  4. It is acknowledged that any failure to meet the due date for an enforceable term will result in the matter being escalated and may lead to enforcement action.
  5. It is acknowledged that the Civil Aviation Authority may undertake other compliance monitoring activities to verify the evidence and compliance with an enforceable term, and cooperation will be provided to the Civil Aviation Authority.
  6. It is acknowledged that the Civil Aviation Authority may initiate additional compliance monitoring activities, such as inspections, as considered necessary. A charge at the standard rate is payable for costs incurred to CAA for monitoring the Enforceable Undertaking in accordance with the Civil Aviation Charges Regulations, Part 9 section 13(i).
  7. It is acknowledged that details of all seminars, workshops and training conducted by a non-registered training provider must be notified to The Civil Aviation Authority by email, at least one week prior. Notification should include time, date, location and the trainer/facilitator.
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(write the name of the person(s) or entity giving the undertaking)

Michael Hayes of Southern Lakes Helicopters Limited

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### 3. Enforceable terms

The person acknowledges all activities set forth in the enforceable terms below must be auditable and include a date for completion and an estimated cost for each activity.

The person commits to performing the activities below diligently, competently and by the respective completion date.

#### 3.1 A commitment by the person to perform activities that will ensure the ongoing effective management of risks to health and safety in the future conduct of its business or undertaking

SLHL consider that the highest priority in its operation is the health and safety of its workers and passengers. As an industry participant, and as it considers itself a leader, SLHL commits to continuously analysing and monitoring its health and safety systems.

This will occur through regular discussions with staff members, industry participants and management as to areas of risk that occur within its operations. Further, the ongoing training of SLHL's workers will continue.

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#### 3.2 A commitment by the person to disseminate information about this undertaking to workers, and other relevant parties

(this may include to work health and safety representatives and in the organisation's annual report, if applicable)

Dissemination will be achieved by doing the following:

1. Providing a copy of the undertaking to any recipient of funds as part of the undertaking.
2. Sending a copy to the passengers and making it available in SLHL's break rooms for one month from the date it is accepted.
3. Posting a full copy of the undertaking on SLHL's website for twelve months from the date it is accepted.
4. Providing a copy to members of the Helicopter Association and a representative of the CAA Union.
5. Presenting at the annual AIA conference in 2026 on the incident, investigation and the Enforceable Undertaking Application.

Dissemination will occur on the date of the AIA conference in 2026.

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#### 3.3 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for workers and/or work and/or the workplace

##### ACTIVITIES

Outline the activity and the expected outcomes:

SLHL has carried out a number of rectifications to its health and safety systems and processes and will continue to. SLHL does not propose to advance any of these internal projects for the EU application as it wishes to advance other initiatives that will be beneficial for the industry.

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#### 3.4 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for the wider industry or sector

ACTIVITIES	COST (\$)	TIMEFRAME
Outline the activity and the expected outcomes		
Webcam installation in Fiordland. SLHL proposes to fund the installation and operational costs of 3 webcams in the south-western region of Fiordland. This is because currently, there is very little information available to pilots in that region, and the installation would provide information to assist with decisions on flying routes. The information produced by the webcams would be available to the local community and aviation industry.	\$310,891 (incl GST)	Final stage completed by the end of 2027. Please see the breakdown of stages in Appendix 1.

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SLHL will incorporate this initiative into its Safety Management System (SMS) so that it is effective and safe.

Please refer to Appendix 1 for more details.

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Safety Briefing video	\$49,280.35 (incl GST)	6 Months following execution
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SLHL is proposing to fund the development of a video on the importance of passenger safety briefings to be used throughout NZ's aviation sector.

Please refer to Appendix 1 for further details.

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Total estimated cost of benefits for industry	\$360,171.35
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### 3.5 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for community

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ACTIVITIES	COST (\$)	TIMEFRAME
A donation will be made to the Fiordland Marine Search and Rescue Team. In recognition of the invaluable role the Marine Rescue plays in New Zealand, SLHL is proposing a donation of \$10,000. This contribution reflects SLHL's desire to give back to the community and its commitment to supporting a cause that is important to the company.	\$10,000	Within 10 working days of execution of this application.
Total estimated cost of benefits for the community	\$10,000	

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### 3.6 Where the Civil Aviation Authority considers appropriate in the circumstance, on-site monitoring is required

Further information about SafePlus can be found here: [worksafe.govt.nz/about-us/who-we-are/our-priorities/safepus/about-safepus](https://worksafe.govt.nz/about-us/who-we-are/our-priorities/safepus/about-safepus)

3.6.1 The suitability of a SafePlus assessment will be determined by the Enforceable undertakings Panel when your application is considered. 3.6.2 In addition to the total cost below (3.7) all costs of a SafePlus Onsite Assessment will be met by the person making this undertaking.

The fee charged for an Onsite Assessment is a commercial matter between your business and the SafePlus Accredited Assessors that you commission.

### 3.7 Minimum spend

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(write the name of the person(s) or entity giving the undertaking)

3.7.1

commits to a minimum spend of \$411,246.35 for this undertaking.

(write the name of the person(s) or entity giving the undertaking)

3.7.2

agrees to spend any residual amount arising from an original term not being completed or being less costly than estimated in this undertaking. Agreement on how to spend this residual amount will be sought from the Civil Aviation Authority.

(write the name of the person(s) or entity giving the undertaking)

3.7.3

Acknowledges the minimum spend comprises of the:

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**TOTAL COST**

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Financial amends paid to victims (if applicable)	████████
Benefits to workers/others	
Benefits to industry	<b>\$360,171.35</b>
Benefits to community	\$10,000.00
Estimated cost of the undertaking	<b>\$422,171.35</b>
Plus GST (if any)	

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**4. Execution**

**Authorised representative of an organisation**

undertaking given by

Michael Hayes

In my own right and in my capacity as

CEO

of Southern Lakes Helicopters Limited

On the 22 day of 01, 2026

Signature of the person giving the undertaking:

Undertaking given before me:



Witness signature:

**5. Acceptance**

This undertaking is accepted by the Civil Aviation Authority

On the 23 day of 02, 2026 (year)

Signature of the person giving the undertaking:

Name of Civil Aviation Authority representative:  
(General Manager, (or delegate)

WYATT PURDON  
ACTING DEPUTY CHIEF EXECUTIVE  
REGULATORY ENABLEMENT & RESPONSE

Undertaking given before me:

Witness name: John Parrnell

Witness address: Wellington, NZ

Witness signature:

