



PURSUANT to Sections 28, 29 and 30 of the Civil Aviation Act 1990


I, STEVEN JOYCE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 11th day of October 2011

by **STEVEN JOYCE**


Minister of Transport

Civil Aviation Rules

Part 12, Amendment 7

Accidents, Incidents, and Statistics

Docket 5/CAR/1

Contents

Rule objective	3
Extent of consultation.....	3
Summary of submissions	4
Examination of submissions.....	4
Insertion of Amendments	4
Effective date of rule.....	4
Availability of rules.....	4
Part 12 Accidents, Incidents, and Statistics	5
Subpart A — General	5
12.1 Purpose	5
Subpart B — Notification, Investigation, and Reporting, of Occurrences	5
12.55 Notification of incident.....	6
Subpart D — Statistics	8
12.151 Aircraft operating statistics.....	8
Consultation Details	10

Rule objective

The objective of amendment 7 to Part 12 is to update the accident, incident and statistics rules as a consequence to the introduction of the new Part 115 adventure aviation rules.

Extent of consultation

The Director was approached by interested parties in the early 1990's requesting that a rule be developed to allow the carriage of passengers for hire or reward in aircraft engaged in activities that could best be described as 'adventure aviation'. The basic concepts were discussed in 1994 at an industry meeting that was attended by CAA. The concepts included types of aircraft eligible, and passengers flying at their own risk.

In 1996 McGregor & Company and Aviation Consultancy Services Pty Ltd presented a report to the Civil Aviation Authority on adventure aviation. The report concluded that the adventure aviation sector should be either regulated or stopped. As a result, CAA agreed to proceed with the selection of a Civil Aviation Rules Advisory Group (CIRAG) for the development of Rule Part 115 Adventure Aviation.

Part 115 was originally put to the industry as an NPRM in 1999. This NPRM attracted a number of comments, and prompted a review of CAA's policy which limited proposed "extreme" activities. The Part 115 Project was suspended in June 2002 due to other CAA priorities.

In 2003, the industry and CIRAG requested that the CAA undertake another review to determine the need for Part 115. The request was based on a concern that operational standards for adventure aviation operators were below the standards required for Part 135 certificate holders.

In July 2006, the Director agreed to introduce a new Part 115 rule development project with updated regulatory objectives that reflect the contemporary environment. Prior to the publication of notice of proposed rulemaking (NPRM) 10-02, the rule development project for Part 115 was undertaken in consultation with a project working group (PWG) that consisted of representatives from each of the adventure aviation industry sectors (i.e. hot air ballooning; hang gliding;

paragliding; gliding; parachuting; special category aircraft – warbirds; and microlight aircraft operations).

NPRM 10-02, containing the proposed amendment to Part 12 was issued for public consultation under Docket 5/CAR/1 on 23 September 2010.

The publication of the NPRM was notified in the Gazette (No. 124) on 23 September 2010. The NPRM was published on the CAA web site and mailed to identified stakeholders.

A period of 42 working days to 19 November 2010 was allowed for comment on the proposed rule.

Summary of submissions

A total of 33 written submissions were received on the NPRM. No changes were made to Part 12 as a result of the submissions.

Examination of submissions

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

Insertion of Amendments

The amendments to the rules are reflected by the revocation of 3 existing rules and the insertion of 3 new rules in their place.

Effective date of rule

Amendment 7 to Part 12 comes into force on 10 November 2011.

Availability of rules

Civil Aviation Rules are available from–

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

Part 12 Accidents, Incidents, and Statistics

Subpart A — General

Rule 12.1 is revoked and replaced by the following rule:

12.1 Purpose

- (a) Subject to paragraph (b), this Part prescribes rules for the—
- (1) notification, investigation, and reporting of accidents and incidents; and
 - (2) preservation of aircraft, aircraft contents, and aircraft records following an accident or serious incident; and
 - (3) preservation of records relating to an accident, facility malfunction incident, an airspace incident, or a promulgated information incident; and
 - (4) reporting of aircraft operating and statistical data.
- (b) This Part does not apply to an incident that is associated with any of the following operations that are not conducted under the authority of an adventure aviation operator certificate issued by the Director under the Act and Part 115:
- (1) gyrogliders and parasails, unmanned balloons, kites, rockets, and model aircraft operated under Part 101;
 - (2) microlight aircraft operated under Part 103;
 - (3) gliders operated under Part 104;
 - (4) parachutes operated under Part 105;
 - (5) hang gliders operated under Part 106.

Subpart B — Notification, Investigation, and Reporting, of Occurrences

Rule 12.55 is revoked and replaced by the following rule:

12.55 Notification of incident

(a) A holder of a certificate issued by the Director under the Act and the following Parts must notify the Authority as soon as practicable of any associated incident if the certificate holder is involved in the incident and the incident is a serious incident or is an immediate hazard to the safety of an aircraft operation:

- (1) Parts 115, 119, 129 and 137— aircraft incident, or dangerous goods incident:
- (2) Part 172— airspace incident:
- (3) Parts 171 and 174 — facility malfunction incident:
- (4) Parts 19, 47, 115, 119, 129, 137, 145, 146, and 148 — defect incident:
- (5) Parts 119, 129, 139, 140, 171, and 172 — security incident:
- (6) Part 139 — aerodrome incident:
- (7) Parts 139, 171, 173, 174, and 175 — promulgated information incident:
- (8) Parts 119, 129, and 109 — cargo security incident.

(b) A person who is involved in an incident that is a serious incident or an immediate hazard to the safety of an aircraft operation must notify the Authority of the incident as soon as practicable if the person—

- (1) operates, maintains, services, or does any other act in respect of an aircraft, aeronautical product, or aviation related service; and
- (2) is not employed by, or associated with, the holder of a certificate referred to in paragraph (a); or
- (3) has responsibilities under Part 95.

(c) A pilot-in-command of an aircraft that is involved in an airspace incident or a bird incident must notify the Authority of the incident as soon as practicable if the incident is a serious incident or an immediate hazard to the safety of an aircraft operation.

(d) The notification of an incident required by paragraphs (a), (b), (c) and (e) must be conveyed by a means acceptable to the Authority and contain, where ascertainable, information in accordance with the following:

- (1) for an airspace incident, Appendix A(a):
- (2) for a defect incident, Appendix A(b):
- (3) for a facility malfunction incident, Appendix A(c):
- (4) for an aircraft incident, Appendix A(d):
- (5) for a security incident, Appendix A(e):
- (6) for a promulgated information incident, Appendix A(f):
- (7) for an aerodrome incident, Appendix A(g):
- (8) for a cargo security incident, Appendix A(h):
- (9) for a dangerous goods incident, bird incident, or any other incident, Appendix A(i).

(e) Despite paragraph (a), a holder of—

- (1) an air operator certificate issued by the Director under the Act and Part 119 must notify the Authority of an aircraft incident or a defect incident within 72 hours of the incident occurring if the incident is associated with an aircraft that is performing or is used to perform an EDTO and the incident involves—
 - (i) an in-flight shutdown of a propulsion system; or
 - (ii) a diversion or a turn back; or

- (iii) an in flight, inadvertent fuel loss or unavailability of fuel or an un-correctable fuel imbalance; or
 - (iv) a malfunction of an EDTO significant system; or
 - (v) any other occurrence which affects the safety of an EDTO; and
- (2) an aircraft maintenance organisation certificate issued under the Act and in accordance with Part 145 must notify the Authority of a defect incident within 72 hours of the incident occurring if the incident is associated with an aircraft that is used to perform an EDTO and—
- (i) the incident involves a malfunction of an EDTO significant system; or
 - (ii) any other defect that could affect the safety of an aircraft performing an EDTO.

Subpart D — Statistics

Rule 12.151 is revoked and replaced by the following rule:

12.151 Aircraft operating statistics

(a) Except for gliders that are not being operated for hire or reward, each operator of an aircraft must provide the statistical data and information for each aircraft in accordance with Table 1, and in accordance with the frequency and due dates listed in Table 2 for aircraft being operated for hire or reward, and Table 3 for aircraft that are not being operated for hire or reward.

Table 1 – Statistical data and information required for each type of aircraft operation:

Aircraft Operation	Statistical Data and Information
New Zealand registered aircraft operated on air operations to, from, and within countries outside New Zealand	<ul style="list-style-type: none"> • aircraft registration marking • the hours flown • the number of flights carrying passengers

	<ul style="list-style-type: none"> the number of flights carrying cargo only
New Zealand registered aircraft operated on domestic air operations	<ul style="list-style-type: none"> aircraft registration marking the hours flown the number of flights carrying passengers between 2 different aerodromes the number of flights carrying passengers originating and ending at the same aerodrome without an intermediate landing the number of flights carrying cargo only
Aircraft operated on an adventure aviation operation (other than parachutes)	<ul style="list-style-type: none"> aircraft registration marking or aircraft identification markings if the aircraft is not required to be registered in accordance with Part 47 the hours flown the number of flights carrying passengers
Parachutes used on an adventure aviation operation	<ul style="list-style-type: none"> the parachute identification marking the number of tandem parachute descents
New Zealand registered aircraft issued with a <i>standard category</i> airworthiness certificate or a <i>restricted category</i> airworthiness certificate used on other operations not listed above.	<ul style="list-style-type: none"> aircraft registration marking the hours flown

Table 2 Reporting periods for aircraft performing hire or reward operations:

Report	Period Covered	Due Date
1st Quarter	1 Jan through 31 Mar	1 May
2nd Quarter	1 Apr through 30 Jun	1 Aug
3rd Quarter	1 Jul through 30 Sep	1 Nov
4th Quarter	1 Oct through 31 Dec	1 Feb

Table 3 Reporting periods for aircraft performing operations not for hire or reward:

Report	Period Covered	Due Date
Annual	1 Jan through 31 Dec	15 Feb

- (b) The reports required by paragraph (a) must be submitted—
- (1) on form CAA605; or
 - (2) by a means acceptable to the Director.

Consultation Details

A Notice of Proposed Rulemaking, NPRM 10-02 *Part 115 Adventure Aviation – Certification and Operations*, was issued for public consultation under Docket 5/CAR/1 on 23 September 2010.

A total of 33 responses to the NPRM were received - 9 submissions were from individuals, and 24 from organisations.

Details regarding the list of submitters and a summary of the public submissions can be found in the consultation details of the final rule document for the initial issue of Part 115.