



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

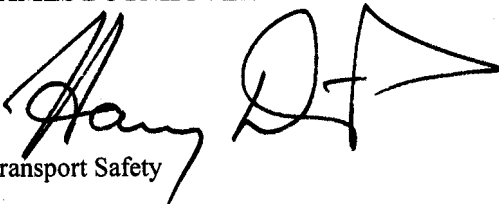
**I, HARRY JAMES DUYNHOVEN**, Minister for Transport Safety,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This **20<sup>th</sup>** day of **November** 2007

by **HARRY JAMES DUYNHOVEN**

  
Minister for Transport Safety

**Civil Aviation Rules**

**Part 135, Amendment 17**

**Air Operations – Helicopters and Small Aeroplanes**

*Pilot Experience Levels*

*Docket 6/CAR/3*

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## Rule objective

The objective of amendment 17 to Part 135 is to raise the minimum flight time experience for pilots conducting air operations and clarify the requirements for consolidation of flight time on different make and models of aircraft. The amendments provide a graduated scale for pilot experience requirements according to the complexity of the operation.

Amendment 17 to Part 135 is associated with the following amendments to other Parts:

- Amendment 8 to Part 61
- Amendment 10 to Part 119

## Extent of consultation

In 2006 the CAA published a Project Scope Statement on its website informing industry of the proposal to amend pilot experience levels required by Part 135 and inviting interested persons to contact the CAA.

A Project Working Group (PWG) consisting of CAA and industry representatives was formed to assist with technical aspects of the proposed rule amendments. The PWG was made up of representatives from general aviation (fixed wing and rotary operators), Aviation Industry Association, Aviation Community Advisory Group (ACAG), and technical experts from CAA.

The PWG met twice, as well as communicating via email and phone before concluding its work in mid 2006. The CAA continued to refine the draft rule proposals during 2006 and released the draft rules to a representative industry group for comment before they were published for public consultation.

A Notice of Proposed Rulemaking, NPRM 07-04, containing the proposed rule amendments to Parts 61, 119, and 135 was issued for public consultation under Docket 6/CAR/3 on 19 October 2006.

The publication of this NPRM was notified in the Gazette on 19 October 2006 and advertised in the daily newspapers in the five main provincial centres on 21 October 2006. The NPRM was published on the CAA web

site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 41 days was allowed for comment on the proposed rule and this was extended upon industry request for a further 7 days.

## **Summary of submissions**

Nine written submissions were received on the NPRM. These submissions and comments have been considered by the assigned CAA technical staff. However, after careful consideration only minor structural and editorial changes have been made to the proposed rules to provide clarity and, in some cases, to maintain consistency in the terminology used.

A summary of the submissions was published on the CAA's website on the 31 January 2007 and are detailed at the end of this document.

The rule as amended was then referred to Parliament's Regulations Review Committee before being signed by the Minister for Transport Safety.

## **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 in this Part are reflected by the revocation of existing rules and replacing with new rules.

## **Effective date of rule**

Amendment 17 to Part 135 comes into force on 20 December 2007.

## **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 135 Amendments

### Subpart A — General

*Rule 135.3 is revoked and replaced by the following new rule:*

#### **135.3 Definitions**

In this Part—

**Air operation** means an air transport operation or a commercial transport operation, except a SEIFR passenger operation, using—

- (1) an aeroplane having a seating configuration of 9 seats or less, excluding any required crew member seat, and a MCTOW of 5700 kg or less; or
- (2) a helicopter:

**Air operator certificate** means an airline air operator certificate or a general aviation air operator certificate:

**Consolidation** means the process by which a person, through practice and practical experience, increases proficiency in newly-acquired pilot operating knowledge and skills:

**Exposition**, unless the context otherwise requires, means the exposition required by rule 119.81 or 119.125:

**Helicopter external sling load** means the external carriage, lowering, or picking up, of a load, cargo, or passengers by a helicopter by means of a bucket, net, harness, sling, or stretcher, suspended beneath the helicopter:

**Holder of an air operator certificate** means the holder of an air operator certificate issued in accordance with Part 119 that authorises the holder to conduct an air operation:

**Net take-off flight path, take-off flight path, take-off distance, and take-off run** have the same meaning as prescribed in the rules under which the aeroplane was certificated:

**Threshold** means that point where a 1:20 obstacle-free approach surface intersects the runway surface.

## **Subpart H — Crew Member Requirements**

*Rule 135.503 is revoked and replaced by the following new rule:*

### **135.503 Assignment of flight crew duties**

(a) A holder of an air operator certificate must ensure that every person assigned as a flight crew member on an air operation conducted under the authority of the certificate—

- (1) holds a current pilot licence and rating appropriate to the category of aircraft and to the tasks assigned; and
- (2) holds a current class 1 medical certificate appropriate to the task assigned; and
- (3) meets all the experience, training, and competency requirements for the task assigned; and
- (4) meets all route and aerodrome qualification requirements for the intended operation.

(b) A holder of an air operator certificate must designate, for each period of an air operation conducted under the authority of the certificate—

- (1) a pilot-in-command; and
- (2) a second-in-command when two or more pilots are assigned for the operation; and
- (3) any other flight crew member that may be required for the type of operation to be performed.



*Rule 135.505 is revoked and replaced by the following new rule:*

**135.505 Pilot-in-command consolidation of operating experience on type**

(a) A holder of an air operator certificate must ensure that before designating a pilot to act as a pilot-in-command of an aircraft on an air operation conducted under the authority of the certificate, the pilot has completed the following consolidation of operating experience on the make and basic model of aircraft type:

- (1) for a single engine aircraft, 5 hours flight time and 5 take-offs and landings:
- (2) for a multi-engine aircraft, 10 hours flight time and 10 take-offs and landings:
- (3) for a turbojet or turbofan aeroplane, 15 hours flight time and 10 take-offs and landings:
- (4) for single pilot air operations under IFR or VFR at night, —
  - (i) 40 hours flight time on the aircraft type; or
  - (ii) for subsequent aircraft types of the same category, other than the initial aircraft type flown single pilot on air operations under IFR, or flown single pilot on air operations under VFR at night, the applicable flight time required by paragraphs (a)(1), (a)(2), or (a)(3).

(b) Subject to paragraphs (c) and (d), after the pilot has completed aircraft type rating training, initial training required under rule 135.557 or transition training required under rule 135.559, and the competency check required under rule 135.607, the consolidation of operating experience required by paragraph (a) must be acquired as follows:

- (1) in flight during air operations performed; and
- (2) for an aircraft not previously used to perform an air operation under the authority of the holder's air operator certificate, operating experience acquired in the aircraft type during

proving flights or ferry flights may be used to meet this requirement; and

- (3) while performing the duties of a pilot-in-command under the supervision of a designated pilot-in-command who must —
    - (i) be authorised in writing by the certificate holder to supervise a pilot undergoing consolidation of operating experience on the aircraft type; and
    - (ii) occupy a flight crew member seat while supervising; and
  - (4) for paragraph (a)(4)(i), the 40 hours flight time must include —
    - (i) for air operations under IFR, a minimum of 10 hours flight time on air operations conducted under IFR; or
    - (ii) for air operations under VFR at night, a minimum of 10 take-offs and landings at night; and
  - (5) the consolidation of operating experience required by paragraph (a) must be completed within 180 days from the successful completion of the competency check; and
  - (6) if the pilot fails to complete the applicable consolidation of operating experience on or before the 180<sup>th</sup> day as required in paragraph (5), the pilot must complete a competency check before recommencing the required consolidation of operating experience.
- (c) For the purpose of the pilot acquiring the operating experience required under paragraph (a) —
- (1) the flight time and take-off and landing experience required in paragraphs (a)(1), (a)(2), and (a)(3) may be accrued in a flight simulator approved by the Director for the purpose; and
  - (2) if the time required by paragraph (a) is conducted in a single-pilot aircraft, the flight time must be entered as *pilot-in-*

*command under supervision* in the pilot's logbook and certified by the designated pilot-in-command who supervised the pilot performing the consolidation of operating experience.

(d) Paragraph (b)(1) does not apply if the aircraft is certificated for 2 or less passenger seats.

***Rule 135.509 Reserved is revoked and replaced by the following new rule:***

### **135.509 Experience requirements for IFR pilots**

A holder of an air operator certificate must not designate a person as pilot-in-command of an aircraft performing an air operation under IFR under the authority of the certificate, unless the person—

- (1) has at least 750 hours of flight time as a pilot, including 150 hours of cross-country flight time which must include at least 50 hours cross-country flight time conducted under an IFR flight plan; and
- (2) 50 hours of actual or simulated instrument time of which 25 hours may be in a flight simulator approved for this purpose; and
- (3) for night operations, 25 hours of night flight time.

***Rule 135.511 is revoked and replaced by the following new rule:***

### **135.511 Minimum flight crew**

(a) A holder of an air operator certificate must not operate an aircraft on an air operation under IFR under the authority of the certificate with one pilot unless—

- (1) the flight manual for the aircraft permits the aircraft to be operated by one pilot under IFR; and
- (2) the aircraft is equipped with an operative autopilot or stabilisation system capable of operating the aircraft controls to maintain flight and manoeuvre the aircraft about the roll

and pitch axes with an automatic heading and altitude hold;  
and

- (3) the aircraft is fitted with a headset that includes a boom microphone and facility for control column transmit-receive switching at the pilot-in-command station; and
- (4) the pilot-in-command has met the other applicable requirements of this Part.

(b) A holder of an air operator certificate must not operate an aircraft on an air operation with 2 pilots unless the functions of each pilot relating to the operation and safety of the air operation are assigned in writing by the certificate holder, and the aircraft is equipped with —

- (1) two pilot stations that allow either pilot to have an unobstructed view of every primary flight and engine instrument and control display; and
- (2) a crew-member intercom system; and
- (3) either —
  - (i) fully functioning dual controls; or
  - (ii) pitch, roll, yaw, and engine power controls that can be operated at either pilot station.

## **Subpart I — Training**

*Rule 135.557 is revoked and replaced by the following new rule:*

### **135.557 Initial training for crew members**

(a) A holder of an air operator certificate must ensure that every crew member, who has not qualified and served as a crew member on an aircraft operated under the authority of the certificate, completes initial training conducted—

- (1) in a structured manner; and

- (2) in accordance with a syllabus that includes training applicable to—
  - (i) the aircraft type to be used, including special equipment fitted for the intended operation; and
  - (ii) the routes and aerodromes appropriate to the intended operation; and
  - (iii) crew member assignments, functions, and responsibilities; and
  - (iv) location and operation of emergency equipment available for use by crew members; and
  - (v) location and use of oxygen equipment; and
  - (vi) location and use of every normal and emergency exit, including an evacuation slide and escape rope; and
  - (vii) the certificate holder's policies and procedures appropriate to its air operations.
  
- (b) The holder of an air operator certificate may vary the syllabus for an individual crew member if—
  - (1) the variation is recorded in the crew member's record of training; and
  - (2) the certificate holder certifies the variation made and the reasons for the variation in the crew member's record of training.

***Rule 135.563, currently reserved, is replaced by the following new rule:***

**135.563 Manoeuvres not authorised while carrying passengers**

- (a) A holder of an air operator certificate must ensure an abnormal, unusual, or emergency training manoeuvre is not performed during

an air operation conducted under the authority of the certificate while carrying passengers.

- (b) An abnormal, unusual or emergency manoeuvre referred to in paragraph (a) includes, but is not limited to the following:
- (1) simulated engine failure where engine power is reduced or stopped to simulate loss of engine power:
  - (2) simulated asymmetric flight:
  - (3) any simulated aircraft system failure that activates a visual or oral warning system that can be seen or overheard by passengers:
  - (4) any other simulated system failure that can compromise the safe operation of the flight.

## **Subpart J — Crew Member Competency Requirements**

*Rule 135.607 is revoked and replaced by the following new rule:*

### **135.607 Flight crew competency checks**

A holder of an air operator certificate must ensure that—

- (1) **each pilot acting as pilot-in-command has**, within the immediately preceding 12 months, passed a check of route and aerodrome proficiency that is administered by a flight examiner and that—
  - (i) consists of a ground-based procedure check over 1 route segment, and a flight check with 1 or more landings at an aerodrome representative of the operations to be flown; and
  - (ii) establishes that the pilot can satisfactorily perform the duties and responsibilities of a pilot-in-command in air operations appropriate to this Part; and

- (2) **each pilot conducting VFR operations has**, within the immediately preceding 12 months, successfully completed a competency check, that is administered by a flight examiner and that covers procedures, including emergency procedures, of the pilot's flying skill in an aircraft type normally used by the pilot in the operation; and
- (3) **each pilot acting as a flight crew member of an aircraft operating under IFR has**, within the immediately preceding 6 months, passed a check that is administered by a flight examiner and that—
  - (i) covers procedures, including emergency procedures, appropriate to the equipment fitted to the aircraft and to the type of air operations to which the pilot is assigned by the certificate holder; and
  - (ii) is conducted in each aircraft type used by the pilot in the operation unless the aircraft has a seating configuration of 9 seats or less, excluding any required pilot seat, in which case the check may be taken by rotation in each aircraft type with 1 in each 6-month period; and
- (4) **each pilot has**, within the immediately preceding 12 months, successfully completed a written or oral test of the pilot's knowledge of the following:
  - (i) the relevant Civil Aviation Rules and the certificate holder's operations specifications and exposition:
  - (ii) the aircraft systems, performance, operating procedures, and the content of the flight manual for each aircraft type normally flown by the pilot:
  - (iii) navigation, ATC, and meteorology:
  - (iv) special flight operations as appropriate to the type of operation normally conducted by the pilot:
  - (v) new equipment, procedures, and techniques:

- (vi) location and operation of emergency equipment fitted to an aircraft of the type normally flown by the pilot; and
- (5) the flight examiner who administered the check or test required under paragraphs (1), (2), (3) and (4)—
  - (i) certifies in the training record for the pilot that the check or test has been completed and certifies the result of the check or test; and
  - (ii) if the check or test was completed satisfactorily, certifies in the pilot logbook in accordance with rule 61.29(a)(3) satisfactory completion of the check or test; and
- (6) flight crew competency checks are carried out in an aircraft or flight simulator approved for the purpose.

***Rule 135.611 is revoked and replaced by the following new rule:***

**135.611 Crew member grace provisions**

If a crew member completes a test or flight check within 60 days before the date on which the test or flight check is required, the crew member is deemed to have completed the test or flight check on the date that it is required to be completed.



## Consultation Details

*(This statement does not form part of the rules contained in Part 135. It provides details of the consultation undertaken in making the rules.)*

A Notice of Proposed Rulemaking, NPRM 07-04 Part 135 Pilot Experience Levels, containing the proposed rules was issued for public consultation under Docket 6/CAR/3 on 19 October 2006.

The purpose of NPRM 07-04 was to put forward for consultation amendments to Civil Aviation Rule (CAR) Part 135, Air Operations – Helicopters and Small Aeroplanes, along with associated changes to CAR Parts 61 and 119 relating to pilot experience levels for operations under Part 135.

The proposed rule amendments to CAR Part 135 were to raise the minimum flight time experience for pilots conducting air operations under Instrument Flight Rules (IFR) and clarify the requirements for consolidation flight time on different make and models of aircraft. The proposed amendments provide a graduated scale for CAR Part 135 pilot experience requirements according to the complexity of the operation.

The proposed rule amendments to CAR Part 61 were to add pilot-in-command under supervision (PIC/US) as a function of a pilot to meet the requirements of amendments to rule 135.505. The proposed rules also clarify how PIC/US flight time is to be logged.

The proposed rule amendments to CAR Part 119 were to increase the minimum qualifications and experience requirements for the senior person responsible for air operations under CAR Part 135 proportionally to the proposed increases for pilots operating under CAR Part 135.

### Comments arising from NPRM

Nine responses to the NPRM were received. The CAA has worked through these submissions and as a result has amended the rules where appropriate.

The structure of some rules has been amended and editorial changes have been made to provide clarity and, in some cases, to maintain consistency in the terminology used.

## Comments on NPRM 07-04

NPRM 07-04 was issued for public comment on 19 October 2006, with submissions closing on 1 December 2006. At the request of several submitters this date was extended by 7 days to 8 December 2006. Submissions were received from a number of General Aviation operators and Aviation Industry Association.

## Summary of Submissions

### Rule 135.503 Assignment of flight crew duties

- **135.503(b)(2) Designation of second-in-command:** The CAA received one submission where the submitter thought it unnecessary to designate a pilot as second-in-command when only two pilots are required for an operation.
  - **CAA response:** *The CAA believes that rule 135.503(b)(2) is clear in its intent and that it is appropriate for the operator of an aircraft to clearly identify, to the persons involved, the role and responsibility of every flight crew member that may be required for the operation of the aircraft.*

### Rule 135.505 Pilot-in-command consolidation experience on type

- **135.505(a)(4)(i) 40 hours consolidation flight time for single pilot IFR and VFR at night operations:** The CAA received two submissions concerning the amount of consolidation flight time required for single pilot IFR operations and VFR night operations. The submitters stated that 40 hours consolidation flight time for single pilot IFR and VFR night operations was excessive and that the amount of consolidation flight time should be at the discretion of the employer.
  - **CAA response:** *The CAA believes that 40 hours of consolidation flight time for single pilot IFR operations or VFR night operations is appropriate. Consolidation flight time allows a pilot to become familiar with the operation before being assigned the responsibility of pilot-in-command on these types of*

*operations. Mandating consolidation flight time for these types of operations only reinforces what many responsible operators are already doing and will require other operators to take a more conservative and safety-minded approach to inducting new pilots. The CAA has already reduced the consolidation flight time by 10 hours compared to the ICAO recommended 50 hours on type for single pilot IFR air operations. The CAA has also only mandated this for the first of type for these types of operations (unlike the ICAO recommendation of 50 hours for each type flown).*

- **135.505(b) Placement of competency check before consolidation flight time:** The CAA received three submissions addressing the placement of the competency check before the consolidation flight time required by rule 135.505(a). The submitters would like to see the consolidation flight time take place before the competency check which would serve as a form of “check to line” flight test. The submitters believe this alternative will reduce the overall cost for training by incorporating line training with consolidation flight time.
  - **CAA response:** *Although the CAA understands the economic advantage of placing the consolidation flight time before the competency check there are two major reasons why the CAA has chosen to place the competency check before the consolidation flight time. Rule 135.607 clearly states that before a pilot can act as a crew member on an air operation they must have passed a competency check. If consolidation takes place prior to the competency check, during air operations, the operator and trainee pilot would be in violation of this rule. The CAA views consolidation separately from training and therefore does not wish to see training and consolidation combined. The pilot’s training (including type rating if needed) should be conducted during flights designated for training and should be a period where pilots are learning and practicing all aspects of the job*

*including emergency situations. Consolidation flight experience involves a pilot conducting air operations under the supervision of a more experienced pilot and therefore will take place during air operations and involves more than just aircraft handling.*

*Consolidation flight experience includes all aspects of the job, including customer service, flight planning, aircraft handling, and decision making.*

*Consolidation flight time should reinforce what was learned during training, and should not be confused with training itself.*

- **135.505(b)(1) Requirement for consolidation flight time to be conducted during air operations:** The CAA received four submissions where submitters were concerned about the requirement for consolidation flight time to take place during air operations. Submitters suggested that at least 50% of the required consolidation flight time be carried out during ferry flights, position flight, proving flight, or any other form of flying conducted by the operator such as survey flights with the remaining 50% taking place during air operations.
  - **CAA response:** *The CAA sees consolidation flight time as a period where pilots are conducting the job they have trained for under the supervision of a more experienced pilot. If the pilot was allowed to conduct consolidation flight time during operations other than the type of operation the consolidation flight time was required for, the CAA believes there would be little value as not all the duties and procedures would be the same as those for the required operation. Consolidation flight time is the “on the job” portion of a pilots training and therefore should be conducted during the type of operation that the consolidation is mandated for.*
- **135.505(b)(3) Qualifications of supervising pilot for consolidation flight time:** The CAA received one submission requesting that pilots who are no longer eligible to hold an

aviation medical may still act as a supervising pilot in order to retain and pass on experience within the industry.

- **CAA response:** *For each flight there must be a designated pilot-in-command and under these proposed rules a pilot cannot be designated as pilot-in-command until the pilot has completed the consolidation flight time requirements. Therefore the supervising pilot has to be designated the Pilot-in-command during air operations and therefore will be required to hold a current medical. Once a pilot has completed the required consolidation flight time there is no rule preventing a pilot with an expired medical from travelling with that pilot for the purpose of passing on knowledge and experience.*
- **135.505(c)(2) Certifying of pilot’s logbook by supervising pilot:** The CAA received one submission where the submitter did not think it necessary for the supervising pilot to certify the logbook of the pilot conducting consolidation flight time. The submitter stated that a pilot is responsible for the accuracy of his or her own logbook and therefore did not need certifying.
  - **CAA response:** *There are many rules requiring a pilot to acquire a signature for their logbook from another individual. This acts as a certified record of experience and covers both the pilot and signing pilot from any questions regarding experience gained. Therefore the CAA will retain the need for a supervising pilot to sign the logbook of pilots under supervision during consolidation flight time when logging PIC under supervision.*

#### **Rule 135.509 Experience requirements for IFR pilots**

- **135.509(1) Minimum total flight experience for IFR pilots:** The CAA received five submissions that addressed the issue of minimum total flight experience required to act as pilot-in-command of an aircraft performing an air operation under IFR. All four submissions stated that the total of 750 hours was too

high and alternatives ranged from 500 to 650 hours. The submitters sighted a variety of reasons for their concern. One submitter felt the proposed amendments were too close to the minimum flight hour requirements that the airlines use for hiring, and that this would make it difficult to retain pilots. Others quoted the CAA's own findings that total flight time by itself is not a good safety indicator and therefore questioned the logic of imposing a minimum total flight experience on IFR pilots. One submission suggested using number of approaches as a criteria or limiting IFR minima for inexperienced IFR pilots.

- **CAA response:** *Section 3.1 of the NPRM (page 7) states that “total flight time for a pilot has historically been viewed as a reliable indicator of a pilot’s experience and potential safety. Although total flight time does indicate a pilot’s experience and potential safety, the CAA’s data indicates that it is not a reliable indicator by itself. However, the data indicated that flight time on the same type of operation and aircraft were reliable safety indicators and complemented total time.” The CAA does not believe that total flight time is of no value, but that it must be weighed along with relevant experience. The minimums for IFR pilots stipulate relevant experience within a total flight time. The total of 750 hours was considered an achievable total and many operators indicated they would not use a pilot for IFR operations until they had approximately 750 hours of flight time. The figure of 750 hours is lower than that required for Part 125 or 121 operations and those of other overseas equivalents. It has been the CAA’s experience that airline hiring will fluctuate, and that during periods of high demand smaller operators will find it difficult to retain pilots regardless of their experience. The CAA views IFR operations as a demanding form of operation and believes 750 hours total flight time combined with the appropriate experience forms a minimum safe level for pilots to commence these types of flights.*

- **135.509(2) Requirements for 50 hours actual or simulated IFR time:** The CAA received one submission concerning the requirements for 50 hours of actual or simulated IFR flight time for IFR pilots on air operations. The submitter believes 50 hours is excessive and would take too long for a pilot to accumulate prior to starting IFR air operations.
  - **CAA response:** *The CAA would like to clarify that the 50 hours of actual or simulated IFR flight time required by rule 135.509(2) includes any IFR flight time accumulated by the pilot. This will include the 40 hours of instrument time required for the issuance of an instrument rating. The rule also allows for half this time to be conducted in an approved simulator. Therefore, the CAA believes the 50 hours of actual or simulated IFR flight time is achievable and forms a vital part of the minimum experience required for a pilot to start operating IFR air transport flights.*

#### **Rule 135.563 Manoeuvres not authorised while carrying passengers**

- **135.563(a) Restriction on carrying passengers while practising abnormal or emergency training manoeuvres:** The CAA received one submission questioning the wording of rule 135.563(a). The submitter questioned if the CAA meant “fare paying passengers” instead of “passengers”, as there are occasions when other persons may be onboard in an official capacity.
  - **CAA response:** *When drafting proposed rule 135.563(a) the CAA’s intention was to restrict certain types of manoeuvres during air operations. The CAA believes the proposed wording of rule 135.563 is clear in its intent and does not need amending. The focus of this rule is on air operations regardless of whether the passengers are fare paying or not.*

#### **Rule 135.607 Flight crew competency checks**

- Rule 135.607 has been included in this amendment to make an editorial correction and to correct the paragraph numbering.

**Rule 119 Appendix B.1 Senior person responsible for air operations**

- **Appendix B.1 Experience of senior person responsible for air operations:** The CAA received four submissions that addressed the issue of flight and managerial experience for the senior person responsible for air operations. All four submissions stated that experience should not be limited to air operations only and that other experience from other aviation related activity should be considered when appointing a person to this role. Several submitters thought the 750 hours of air operations experience should be either replaced by a higher total time (1500 was suggested) or allowing either a higher total time or 750 hours air operations experience. One submission wanted to see military experience also considered when setting the minimum qualifications for senior persons.
  - **CAA response:** *After reviewing the submissions concerning Appendix B.1 of Rule Part 119 the CAA has made some minor amendments to the requirements for Senior Person responsible for air operations for a Part 135 operator. For operations with less than 4 aircraft and/or less than 3 bases the 750 hours flight time during air operations on the same category of aircraft has been reduced to 500 hours flight time during air operations. For operations with greater than 3 aircraft and/or greater than 2 bases the proposed hour requirements have remained the same to ensure experience is proportional to the size of the operation. The CAA agrees that experience from other types of operations is of value and should make the transition from one form of flying to another easier. However, the CAA considers experience within the same type of operation and category of aircraft to be vital for the Senior Person responsible for air operations and emphasis that these minimums are for the person in charge of air operations rather than a line pilot.*

*Managerial experience is also considered when appointing Senior Persons responsible for air operations. However the CAA would like to clarify*



*that those applying for positions based on managerial experience, will still have their flight experience taken into account and that this will still need to be close to that of those applying on the strength of their flight experience alone. The CAA has amended the managerial experience option for Senior Person in charge of air operations to include “flight experience, acceptable to the Director”, to accompany managerial experience and has included examples for the Director when considering what is appropriate experience, and has also proposed amendments to AC119-3 to clarify what type of flight experience is acceptable. This will include relevant military experience and experience from other types of flying. However the flight experience will still need to be similar in nature to the type of operation the person is intending to manage.*

- **Appendix B.1 Use of the phrase “acceptable to the Director”:** The CAA received two submissions requesting that the phrase “acceptable to the Director” be removed from the proposed amendments as it is very difficult to appeal a decision made using this clause and that the minimums should be detailed without having to add this phrase into the rule wording.
  - **CAA response:** *CAA will retain the phrase “acceptable to the Director” as it allows some flexibility when considering applications. To list standards and minimums for every aspect of an applicants’ experience holds the potential for the CAA to turn down suitable candidates over minor variances from those standards. By retaining this phrase the CAA can still review each application based upon its own merits. However, amendments to Appendix B have been made to giving examples and guidance to the Director when assessing experience for senior persons responsible for air operations under Part 135.*

**Rule 61.31 Pilot logbooks – crediting flight time**

- **61.31(j) Crediting consolidation flight time towards an Air Transport Pilot Licence (ATPL):** The CAA received one submission questioning the restriction on crediting supervision of consolidation flight time or consolidation flight time towards the pilot-in-command requirements of an ATPL. The submitter questioned who was in command if neither pilot could credit the flight time towards an ATPL.
  - **CAA response:** *The restriction on crediting of flight time for consolidation flights will remain to maintain consistency with international standards concerning allowable flight time towards a licence or rating.*

**Other submission issues**

- There were other submissions relating to Part 61 which were outside the scope of the project. These concerns will be addressed as part of the Part 61 stage II rules project currently under development.

**Summary of Changes resulting from submissions****Part 119 Appendix B.1**

Flight hours during air operations for smaller operators reduced from 750 to 500 hours and amendments to rule and AC to clarify that flight experience will still be taken into account for applicants applying for Senior Person positions based off managerial experience.

The addition of guidance material for the Director when assessing applicants for the senior person responsible for air operations under Part 135.

## **Summary of Changes resulting from Regulatory Review Process**

As part of the regulatory review process for these rule amendments the use of the phrase “acceptable to the Director” was queried by Parliament’s Regulations Review Committee.

Because there is a wide variety of aviation activities and many different means of achieving a safe outcome, many of the rules are safety outcome based rather than being prescriptive and detailing how the safety outcome is to be achieved. Therefore the Director needs to be able to exercise a level of discretion to determine what might be acceptable to achieve a safe outcome for a particular aviation activity or situation.

The Regulations Review Committee accepts that a level of flexibility is required in the rules but wish to see more guidance criteria contained in the rules for the Director to apply when deciding what might be acceptable to meet the rule requirement.

To address the Regulation Committee’s concerns the CAA has added two paragraphs below table B.1 to assist the Director when assessing experience requirements for senior persons responsible for air operations under Part 135.

Advisory Circulars are also published to provide information for participants to show what the Director considers acceptable to comply with a rule requirement.

Further consultation was not undertaken with the submitters on the amendments as the extra amendments are examples only of how these rules have been applied in the past and advisory in nature rather than definitive.

Minor amendments to the headings of columns 2 and 3 of table B.1 were also made as a result of the regulation review process to help clarify which category an applicant must apply under.

See table and text below

## B.1 Senior person responsible for air operations

Part 135 Operation		
	Greater than 3 aircraft or greater than 2 bases	Less than 4 aircraft and less than 3 bases
Document required	Commercial Pilot Licence, with Instrument Rating if operations include IFR	Commercial Pilot Licence, with Instrument Rating if operations include IFR
Pilot-in-command experience	3 years as pilot-in-command under Part 135 operations and 750 hours flight time during air operations on the same category of aircraft to be operated, with experience in the same or similar type of air operation to be performed that is acceptable to the Director; and 75 hours actual or simulated instrument time if operations include IFR;  or ↓	500 hours flight time during air operations on the same category of aircraft to be operated, with experience in the same or similar type of air operation to be performed that is acceptable to the Director; and 75 hours actual or simulated instrument time if operations include IFR;  or ↓
Managerial experience	3 years in an operational control position with experience, including flight experience, appropriate to the type of air operation to be performed that is acceptable to the Director.	2 years in an operational control position with experience, including flight experience, appropriate to the type of air operation to be performed that is acceptable to the Director

For assessing the above senior person experience requirements, the Director may consider the following:

- (a) for a senior person qualifying under the pilot-in-command requirements, the Director may consider experience in the same types of air operations or similar types of air operations involving similar operating environment, types of equipment and aircraft configurations including operations in a military or similar type of service:
- (b) for a senior person qualifying under the managerial experience requirements, the Director may consider flight operational control experience, or similar experience, in air operations or other similar transport type operations in a military or similar type of service.

***The submissions and all background material used in developing the rules are held on the docket file and are available for public inspection at Aviation House, 10 Hutt Road, Petone. Persons wishing to view the docket should contact the Docket Clerk on Phone +64 4 560 9603 and ask for docket 6/CAR/3.***