



Notice of Proposed Rule Making

NPRM 19-03

17 May 2019

Omnibus Rule Amendments 2017

Docket 17/CAR/1

Affected Rule Parts

- Part 1**
- Part 12**
- Part 19**
- Part 61**
- Part 77**
- Part 91**
- Part 95**
- Part 115**
- Part 119**
- Part 121**
- Part 125**
- Part 139**
- Part 172**
- Part 175**

Background to the Civil Aviation Rules

The Civil Aviation Rules (**the Rules**) establish the minimum regulatory safety boundary for participants to gain entry into, operate within, and exit the New Zealand civil aviation system. The Rules are structured in a manner similar to the Federal Aviation Regulations of the USA.

Rules are divided into Parts and each Part contains a series of individual rules which relate to a particular aviation activity. Some rules empower the use of a CAA Notice. Notices contain specific mandatory requirements including detail about the approvals, standards, conditions, procedures and technical specifications that have been approved or determined by the Director as being appropriate in accordance with the corresponding enabling rule.

Advisory Circulars accompany many rule Parts and contain information about standards, practices and procedures that the Director has established to be an acceptable means of compliance with the associated rule. An advisory circular may also contain guidance material to facilitate compliance with the rule requirements.

The objective of the Civil Aviation Rules system is to strike a balance of responsibility between, on the one hand, the Crown and regulatory authority (CAA) and, on the other hand, those who provide services and exercise privileges in the civil aviation system. This balance must enable the Crown and regulatory authority to set standards for, and monitor performance of, aviation participants whilst providing the maximum flexibility for the participants to develop their own means of compliance within the safety boundary.

Section 12 of the Civil Aviation Act 1990 prescribes general requirements for participants in the civil aviation system and requires, amongst other things, participants to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Section 28 of the Act allows the Minister to make ordinary rules for any of the following purposes:

- the implementation of New Zealand's obligations under the Convention
- to allow for the mutual recognition of safety certifications in accordance with the ANZA mutual recognition agreements
- the provision of aviation meteorological services, search and rescue services and civil aviation security programmes and services
- assisting aviation safety and security, including but not limited to personal security
- assisting economic development
- improving access and mobility
- protecting and promoting public health
- ensuring environmental sustainability
- any matter related or reasonably incidental to any of the following:
 - i. The Minister's objectives under section 14 of the Act;
 - ii. The Minister's functions under section 14A of the Act;
 - iii. The Authority's objectives under section 72AA of the Act;
 - iv. The Authority's functions and duties under section 72B of the Act; and
 - v. The Director's functions and powers under section 72I of the Act
- any other matter contemplated by any provision of the Act.

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1. Purpose of this NPRM

The purpose of this Omnibus rule-making proposal is to make minor editorial and minor technical amendments - that meet the omnibus criteria - to various rules that are the result of issues raised by CAA subject matter experts (SMEs). The proposed amendments include the—

- correction of grammatical, drafting and editorial errors;
- updating of rule wording for consistency with current rule drafting conventions;
- updating of rule wording and rule references so that they are in line with applicable rule changes;
- updating of various rules in accordance with current International Civil Aviation Organization (ICAO) standards, definitions and abbreviations;
- inclusion and correction of required rule documentation; and
- revocation of expired transitional arrangements.

An issue is considered to have met the omnibus criteria if—

- the proposal is minor, does not include a policy change, or Cabinet approval has been obtained for that change;
- the proposal addresses minor technical matters or updates;
- no significant compliance costs or safety risk will result from the proposal;
- the proposal is not likely to be controversial; and
- the proposal has little or no regulatory impact.

2. Background to the Proposal

2.1 General Summary

The Omnibus 2017 Rule proposal details a broad range of minor amendments to 14 Civil Aviation Rules (CAR) Parts.

A number of issues have been raised by CAA SMEs since the publication of the last Omnibus in 2016 (Docket 16/CAR/1). These issues have been reviewed by CAA staff and have been confirmed as meeting the Omnibus criteria.

2.2 Issues Addressed during Development

The CAA and the aviation industry make reports on issues that have been detected in the rules. These issues are reviewed by the relevant CAA technical experts and are categorised into editorial or technical issues. An effort is made in the proposed amendment to align rule wordings with similar or relevant rules, or international standards. The proposed amendments adopt the modern drafting style of using plain English as much as practicable. For instance the use of “must” instead of “shall”, “despite” instead of “notwithstanding”, and where appropriate, “an”, “a”, or “the” instead of “each”, and “under” instead of “in accordance with”. The proposed amendments also make minor editorial changes to some existing provisions – as indicated in the proposed rule amendment section.

The proposed amendments also adopt ICAO standardised units and measurements to provide a uniform way of expressing numerals and symbols. For instance, the use of “kg” instead of “kgs”, and spacing required between numerals and a representing symbol such as in “400 kg” instead of “400kg”.

The following proposed amendments have been assessed by, and agreed to by the CAA, will result in no additional costs to the industry, and will have no detrimental impact on safety:

2.2.1 Part 1 Definitions and Abbreviations

- 2.2.1.1 Amend the definition of “**AIRAC**” by deleting the Note and add AIRAC to the list of Abbreviations to align with the definition and abbreviation in ICAO Annex 15.
- 2.2.1.2 Insert a definition of “**Flight recorder**” that is used in the rule set, to align it to the definition in ICAO Annex 6 Part I.
- 2.2.1.3 Amend the definition of an “**ICAO Annex**” to clarify and simplify it.
- 2.2.1.4 Insert a new definition of “**Landing area**” aligned to the definition in ICAO Annex 2. That term is used in the current AIPNZ but is not defined in the rules.

2.2.1.5 Amend “**State of registry**” to read “**State of Registry**”, and amend “**the state**” to read “**the State**”.

2.2.1.6 Amend the definition of “**wet runway**” to align with the definition in ICAO Annex 6.

2.2.1.7 Add the Abbreviation **IAP** as it appears in the Definitions section.

2.2.2 Part 12 Accidents, Incidents and Statistics

Incorporate existing rule 19.103 – *Agricultural operators-statistical returns* in rule 12.151 as it relates to statistics required to be reported to the Authority.

2.2.3 Part 19 Transition Rules

As stated above, it is proposed that rule 19.103 is revoked and incorporated in rule 12.151.

2.2.4 Part 61 Pilot Licences and Ratings

2.2.4.1 Clarify that official documents produced as evidence of an applicant’s identity for a written examination under rule 61.17 must be a valid NZ passport or driver’s licence;

2.2.4.2 Correct an error in the cross-reference given in rule 61.303(ca)(2) – eligibility requirements for the issue of a Category C flight instructor rating. This paragraph relates to exceptions given to the holder of a military category A or B flight instructor and the reference considered to be incorrect is to rule 61.303(c)(5). The correct reference in rule 61.303(ca)(2) should be to rule 61.303(c)(6), for two reasons:

1. there are no minimum experience requirements for giving instruction in spinning or aerobatics (under the current cross-reference) -just pass the demonstration which is required in paragraph (c)(9) from which they are not exempt; and
2. currently flight instructors are not exempt from paragraph (c)(6) which requires an instructional techniques course (which is inappropriate as NZDF instructors complete a 2 week course of instructional techniques).

2.2.4.3 Rule 61.309 is revoked as the transition date has now passed.

2.2.4.4 Rule 61.311 is amended by deleting reference to Part 61 in the title as the reference is redundant.

2.2.4.5 Rule 61.709 is revoked as the transition date has now passed

2.2.4.6 Rule 61.719 is revoked as the transition date has now passed.

2.2.4.7 Rule 61.729 is revoked as the transition date has now passed.

2.2.4.8 Rule 61.739 is revoked as the transition date has now passed.

2.2.5 Part 77 Objects and Activities Affecting Navigable Airspace

In rule 77.3 amend the definition of **ICAO document 8168-OPS/611** to read **ICAO Document 8168 – Procedures for Air Navigation Services-Aircraft Operations (PANS-OPS)**. A consequential amendment to the new reference is made in rule 77.19(h)(1).

2.2.6 Part 91 General Operating and Flight Rules

Various amendments are proposed to Part 91 –

2.2.6.1 Currently rule 91.205 does not completely align with ICAO Annex 6, Part I, Standard 4.4.4.2 and 3 as it only requires these requirements during take-off and landing. Align rule 91.205 with ICAO Annex 6, Part I, standards that require flight crew to remain at their stations except where necessary for the

performance of their duties or for physiological needs, and to keep their seat belts fastened when at their stations.

- 2.2.6.2 Align rule 91.411(1)(ii) with ICAO Annex 2 standard 3.6.2.2 to require pilots to advise ATS of a Mach 0.02 or greater speed variation.
- 2.2.6.3 The hyphen is deleted in “taking-off” in rule 91.525(e)(2) & (3).
- 2.2.6.4 Amend rule 91.605(e) to clarify testing of ELTs under rule 91.605(e)(4). Further guidance is provided in the appropriate advisory circulars.
- 2.2.6.5 Amend typographical error in rule 91.607(a) to correct the reference rule to read 91.605(a)(3).

2.2.7 Part 95 Instrument Flight Procedures – Registration

Rule 95.59 is revoked as the rule is no longer applicable and there are no procedures older than those in the AIPNZ.

2.2.8 Part 115 Adventure Aviation – Certification and Operations

Amend the heading of Part 115 by deleting “Initial Issue” as this is no longer the initial issue.

2.2.9 Part 119 Air Operator – Certification

- 2.2.9.1 Amend rule 119.113 by making editorial changes in paragraphs (a) and (b), and adding the words “required by paragraphs (a) and (b)” to paragraph (c).
- 2.2.9.2 Correct a typographical error in a date in rule 119.207(c)(2) (transition rule relating to safety management system). The date should read 2018.
- 2.2.9.3 An amendment is made in the table subheading to appendices B1, B2 and B5 to replace “greater than” with “more than”. The expression “more than” goes with “less than”.

2.2.10 Part 121 Air Operations – Large Aeroplanes

- 2.2.10.1 The heading to rule 121.67 is amended as “certification” should not be capitalised.
- 2.2.10.2 The embedded dates in rule 121.71 are no longer applicable and so are deleted.
- 2.2.10.3 The headings to rules 121.171, 121.173 and 121.175 are amended to remove capitals.
- 2.2.10.4 Rule 121.171(b) is deleted as the date is no longer applicable.
- 2.2.10.5 Rule 121.383 is amended to revoke paragraph (b) as this exception applied until the dates specified which are now expired.
- 2.2.10.6 Rules 121.541, 121.579 and 121.615 are revoked as the rules are no longer applicable given the dates in the rules.

2.2.11 Part 125 Air Operations – Medium Aeroplanes

- 2.2.11.1 The title of rule 125.367 is amended to remove the hyphen.
- 2.2.11.2 Rule 125.615 is revoked as the rule is no longer applicable given the date in the rule.

2.2.12 Part 139 Aerodromes – Certification, operation and Use

- 2.2.12.1 Rule 139.51(d)(1) is amended by deleting the dates that are no longer applicable.
- 2.2.12.2 Rule 139.59 is amended to delete the hyphen in “over-all” and to correct it to “overall”.
- 2.2.12.3 Rule 139.77 is correctly reformatted to remove the gaps before paragraphs (a)(12A) and (19A).
- 2.2.12.4 Appendix E.1 of Part 139 is amended to provide for two windsocks and for two windsocks to be illuminated at night. This is required for practical reasons and to align with current practice and CAA advice in AC 139-6.

2.2.13 Part 172 Air Traffic Service Organisations - Certification

- 2.2.13.1 Rule 172.3 is amended by amending the definitions of “Document 4444”, “Document 7030” and “Document 9432” to refer to the correct ICAO terms for the documents. There are also proposed consequential amendments to rules 172.77, 172.105 and 172.107 as a result of these changes in references.

2.2.13.2 Rule 172.3 is amended by revoking the definition of “TACAN” as these aids are obsolete for New Zealand.

2.2.13.3 Rule 172.93 is amended to remove a capital from “Traffic Information” as per rule conventions.

2.2.13.4 Rule 172.101(a)(1) the hyphen is deleted from “Co-ordinated”

2.2.13.5 Rule 172.107 is amended to correct and substitute “Pacific” for “Middle East/Asia” region, to align with the correct ICAO Region.

2.2.14 Part 175 Aeronautical Information Services Organisations - Certification

2.2.14.1 The headings to rules 175.3 to 175.55, 175.59, 175.63, 175.101 and 175.107 are amended to delete capitals as per rules conventions, and to make editorial/drafting changes

2.2.14.2 Rule 175.157 is amended to capitalise the word “supplement” as AIP Supplement is its correct document title, and in the body of the rule to make an editorial/drafting change.

2.3 ICAO Standards and Recommended Practices (SARPS)

The proposed rule amendments are intended to align with International Civil Aviation Organization (ICAO) SARPS and are written in consultation with the following Annexes:

- Annex 2 – Rules of the Air
- Annex 6 – Operation of Aircraft
- Annex 8 – Airworthiness of Aircraft
- Annex 13 – Aircraft Accident and Incident Investigation

2.4 Level of Risk to NZ Aviation Safety

The proposed amendments will have no detrimental impact on safety.

2.5 Compliance Costs

The proposed amendments will not introduce additional compliance costs to the industry, and in some cases may reduce the cost of compliance.

3. NPRM Development

The proposed amendments were developed with reference to the current rule consolidation extracts from the CAA Rules Register, ICAO SARPS, the Federal Aviation Administration, the European Aviation Safety Agency, the Civil Aviation Safety Authority of Australia, and the applicable advisory circulars including acceptable means of compliance and guidance material.

Technical experts from operational groups within the CAA were consulted in relation to the issues. The minor or administrative nature of the proposed amendments does not substantially alter existing arrangements therefore a regulatory impact statement is not required.

3.1 Key Stakeholders

The following are identified by the Civil Aviation authority as key stakeholders in the proposed rule amendments contained in this NPRM:

- The Civil Aviation Authority;
- The Minister of Transport;
- The Ministry of Transport;
- Aircraft pilots (Part 1, Part 61, Part 91);
- Air operators under Parts 119, 121, and 125;
- Agricultural operators (Part 12, Part 61);
- Air Traffic Service Organisations (Part 172);
- Aerodromes (Part 139); and

- Aeronautical Information Services Organisations (Part 175).

4. Legislative Analysis

4.1 Power to Make Rules

The Minister may make ordinary rules under sections 28, 29, 29A, 29B and 30 of the Civil Aviation Act 1990, for various purposes including implementing New Zealand's obligations under the Convention, assisting aviation safety and security, and any matter contemplated under the Act.

These proposed rules are made pursuant to:

- (a) Section 28(1)(a) which allows the Minister to make rules for the purpose of the implementation of New Zealand's obligations under the Convention:
- (b) Section 28(1)(c) which allows the Minister to make rules for the purpose of assisting aviation safety and security, including (but not limited to) personal security:
- (c) Section 29(b)(i) which allows the Minister to make rules providing for the use of aerodromes and other aviation related facilities, including the provision of identification procedures for persons, aircraft, and any other aviation related things:
- (d) Section 29(c) which allows the Minister to make rules providing for general operating rules, air traffic rules, and flight rules, including but not limited to the following:
 - (i) The conditions under which aircraft may be used or operated, or under which any act may be performed in or from an aircraft:
 - (ii) The prevention of aircraft endangering persons or property:
- (e) Section 29(d)(ii) which allows the Minister to make rules providing for the control of things likely to be hazardous to aviation safety, including but not limited to the construction, use, or operation of anything likely to be hazardous to aviation safety:
- (f) Section 29B which allows the Minister to make rules prescribing flight rules, flight paths, altitude restrictions, and operating procedures for the purposes of noise abatement in the vicinity of aerodromes:
- (g) Section 30(a) which allows the Minister to make rules for the designation, classification, and certification of all or any of the following:
 - i. aircraft:
 - ii. aircraft pilots:
 - iii. flight crew members:
 - iv. air traffic service personnel:
 - v. aviation security service personnel:
 - vi. aircraft maintenance personnel:
 - vii. aviation examiners or medical examiners:
 - viii. air services:
 - ix. air traffic services:
 - x. aerodromes and aerodrome operators:
 - xi. navigation installation providers:
 - xii. aviation training organisations:
 - xiii. aircraft design, manufacture, and maintenance organisations:
 - xiv. aeronautical procedures:
 - xv. aviation security services:

- xvi. aviation meteorological services:
- xvii. aviation communication services:
- xviii. any other person who provides services in the civil aviation system, and any aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system, or classes of such persons, aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system:

(h) Section 30(b) which allows the Minister to make rules for the setting of standards, specifications, restrictions, and licensing requirements for all or any of those persons or things specified in paragraph 30(a), including but not limited to the following:

- (i) the specification of the privileges, limitations, and ratings associated with licences or other forms of approval:
- (v) the specification of standards of design, construction, manufacture, maintenance, processing, testing, supply, approval, and identification of aircraft and aeronautical products:
- (vii) the format of aviation documents, forms, and applications, including the specification of information required on all application forms for aviation documents:

(i) Section 30(d) which allows the Minister to make rules providing for the definitions, abbreviations, and units of measurement to apply within the civil aviation system.

4.2 Matters to be taken into account

The development of this NPRM and the proposed rule changes take into account the matters under section 33 of the Act that the Minister must take into account when making ordinary rules including the following:

ICAO Standards and Recommended Practices

The proposed rule amendments comply with applicable sections of the following International Civil Aviation Organization (ICAO) Annexes:

- Annex 2 – Rules of the Air
- Annex 3 – Meteorological Services for International Air Navigation
- Annex 6 – Operation of Aircraft
- Annex 8 – Airworthiness of Aircraft
- Annex 13 – Aircraft Accident and Incident Investigation

Assisting Economic Development

The proposed rule amendments will have no detrimental impact on economic development, and in some cases will reduce costs incurred by the aviation industry.

Assisting Safety and Personal Security

The proposed rule amendments will improve aviation safety by clarifying aspects of the rules, making the rules easier to understand, and by aligning with ICAO standards and recommended practices where applicable.

Improving Access and Mobility

The proposed rule amendments will have no impact on access and mobility.

Protecting and Promoting Public Health

The proposed rule amendments will have no impact on protecting and promoting public health.

Ensuring Environmental Sustainability

The proposed rule amendments will have no impact on environmental sustainability.

4.3 Incorporation by reference

The proposed rule amendments do not contain any material incorporated by reference

4.4 Civil Aviation (Offences) Regulations

Schedule 1 of the Civil Aviation (Offences) Regulations is made by the Governor General pursuant to section 100 of the Civil Aviation Act 1990 and contains a list of summary and infringement penalties associated with offences against various civil aviation rules.

The proposed rule amendments will require amendment to the Civil Aviation (Offences) Regulations. The proposed regulation amendments are in respect to the following proposals:

- Rule 19.103-*Agricultural operators-statistical returns*. The offence corresponding to rule 19.103 should be revoked, noting that there is already a corresponding offence to rule 12.151 in which the wording of rule 19.103 was incorporated..
- Rule 91.205(a)-*Crew members at stations*. Amended by deleting “during take-off and landing”. This is a consequential change arising from a minor rule amendment.

5. Submissions on the NPRM

5.1 Submissions are invited

This proposal has been developed by the CAA using guidelines and advice available from regulatory authorities, aviation organisations, and individuals. Interested persons are invited to participate in the making of the proposed rules by submitting written data, views or comments. All submissions will be considered before final action on the proposed rule making is taken. If there is a need to make any significant change to the rule requirements in this proposal as a result of the submissions received, then interested persons may be invited to make further submissions.

5.2 Examination of Submissions

All submissions will be available for examination by interested persons both before and after the closing date for submissions. A consultation summary will be published on the CAA web site and provided to each person who submits a written submission on this NPRM.

Submissions may be examined by appointment with the Docket Clerk at the Civil Aviation Authority Level 15, Asteron Centre, 55 Featherston Street, Wellington 6011 between 8:30 am and 4:30 pm on weekdays, except statutory holidays. Appointments to examine submissions can be arranged by phone or email to: docket@caa.govt.nz.

5.3 Official Information Act

Submitters should note that subject to the Official Information Act 1982 any information attached to submissions will become part of the docket file and will be available to the public for examination.

Submitters should state clearly if there is any information in their submission that is commercially sensitive or for some other reason the submitter does not want the information to be released to other interested parties. The CAA will consider this in making a decision in respect of any Official Information Act requests. It should be noted that the CAA cannot guarantee confidentiality in respect of any specific submissions.

5.4 How to make a submission

5.4.1 Online response Form

An online response form is available on the CAA web site at <https://www.caa.govt.nz/rules/nprms/>. When submitted, this form will be sent directly to the Docket Inbox.

5.4.2 Submission response sheet

A submission response sheet may be also be downloaded from our web site and sent by the following methods:

by mail: Docket Clerk (NPRM 19-03)
Civil Aviation Authority
PO Box 3555
Wellington 6140
New Zealand

delivered: Docket Clerk (NPRM 19-03)
Civil Aviation Authority
Asteron House
Level 15
55 Featherston Street
Wellington 6011

e-mail: docket@caa.govt.nz and marked NPRM 19-03

5.5 Final date for submissions

Comments must be received before 7th June 2019

5.6 Availability of the NPRM:

Any person may obtain a copy of this NPRM from–

CAA web site: www.caa.govt.nz;

or from:

Docket Clerk
Civil Aviation Authority
Asteron House
Level 15
55 Featherston Street
Wellington 6011
Phone: 64–4–560-9640 (quoting NPRM 19-03)

5.7 Further information

For further information, contact:

Peter E Williams
Rules Drafter
Email: peter.williams@caa.govt.nz

6. Proposed Rule Amendments

[New text shown as shaded.]

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Part 1 Definitions and Abbreviations

1.1 General definitions

AIRAC means aeronautical information regulation and control, signifying a system aimed at advance notification, based on common effective dates, of circumstances that require significant changes in operating practices:

[The AIRAC system is based upon the international series of common effective dates at intervals of 28 days including 10 January 1991]

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Flight recorder means any type of recorder installed in an aircraft for the purpose of complementing an accident/incident investigation

ICAO Annex means an Annex to the Convention ~~and unless otherwise specified in a rule, includes the amendments in force under section 36 of the Act, but excludes any differences to an Annex as notified by New Zealand:~~

Landing area means that part of a movement area intended for the landing or take-off of aircraft:

State of Registry means the State on whose register the aircraft is entered:

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Wet runway means ~~the a runway with sufficient moisture on its surface to cause it to appear reflective but without significant areas of standing water~~ is covered by any visible dampness or water up to and including 3 mm deep within the intended area of use:

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1.3 Abbreviations

AIRAC means aeronautical information regulation and control:

IAP means instrument approach procedure:

MMEL means Master minimum equipment list:

Part 12 Accidents, Incidents and Statistics

12.151 Aircraft operating statistics

(a) Except for gliders that are not being operated for hire or reward, an operator of an aircraft must provide the statistical data and information for each aircraft as specified in Table 1, and at the periods and due dates specified in Table 2 for an 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 the number of flights carrying freight only the total tonnage of freight carried on all freight-only flights

<p>New Zealand registered aircraft operated on domestic air operations</p>	<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 freight only · the total tonnage of freight carried on all freight-only flights
<p>Non-New Zealand registered aircraft operated on freight-only air operations from, and within New Zealand</p>	<ul style="list-style-type: none"> · aircraft registration marking · the number of flights carrying freight only · the total tonnage of freight carried on all freight-only flights
<p>Aircraft operated on an adventure aviation operation (other than parachutes)</p>	<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
<p>Parachutes used on an adventure aviation operation</p>	<ul style="list-style-type: none"> · the parachute identification marking · the number of tandem parachute descents
<p>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.</p>	<ul style="list-style-type: none"> · aircraft registration marking · the hours flown
<p>Agricultural operations</p>	<ul style="list-style-type: none"> · the period for which the statistical data and information report is made · the certificate holder's name · the aircraft registration marks · the number of loads carried in the period · the location of each aerodrome used in the period · for each operation dispensing agricultural chemical or substances intended for plant nourishment, soil treatment, propagation of plant life or pest control – <ul style="list-style-type: none"> ○ the type of load carried; and

	<ul style="list-style-type: none"> o the total weight or quantity of load; and o the estimated total land area treated.
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Table 2 – Reporting periods for aircraft that perform any 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 that do not perform any hire or reward operations:

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

- (b) The reports required by paragraph (a) must be submitted—
 - (1) on form CAA605; or
 - (2) by electronic or other means acceptable to the Director.
- (c) To avoid doubt, an operator of an aircraft that has not flown during the reporting period specified in either Table 2 or Table 3 must continue to submit aircraft operating statistics for that aircraft.

Part 19 Transition Rules

19.103 Agricultural operators – statistical returns [Revoked]

~~(a) Each holder of an agricultural aircraft operator certificate shall provide reports to the Director, in accordance with the reporting periods and due dates specified in Table 1, containing the following information:~~

- ~~(1) the period for which the report is made; and~~
- ~~(2) the certificate holder's name; and~~
- ~~(3) the aircraft registration marks; and~~
- ~~(4) number of loads carried in the report period; and~~
- ~~(5) the location of each aerodrome used in the report period; and~~
- ~~(6) for each operation for the dispensing of agricultural chemicals or other substances intended for plant nourishment, soil treatment, propagation of plant life, or pest control—~~
 - ~~(i) the type of load carried; and~~
 - ~~(ii) the total weight or quantity of load; and~~

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- (iii) ~~the estimated total land area treated.~~
- (b) ~~The statistical information required under paragraph (a) shall be provided in writing or an electronic format acceptable to the Director.~~

Table 1—Reporting periods

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

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Part 61 Pilot Licences and Ratings

61.17 Written examinations – prerequisites and grades

- (a) An applicant for a written examination required under this Part must produce as evidence of the applicant's identity—
 - (1) a current and valid New Zealand passport; or
 - (2) a current and valid New Zealand driver licence; or
 - (3) an equivalent form of photographic identification that is acceptable to the Director.
- (b) An applicant for a written examination required under this Part must gain at least 70% of the possible marks in order to pass the examination.
- (c) An applicant for a pilot licence or instrument rating must pass all the approved written examinations that are required for the particular pilot licence or instrument rating within 3 years of taking the first examination to gain a written examination credit for the licence or rating.
- (d) The written examination credit specified in paragraph (c) is,—
 - (1) in the case of a private pilot licence, a commercial pilot licence, a recreational pilot licence, and an instrument rating, valid for 3 years; and
 - (2) in the case of an airline transport pilot licence, valid for 10 years (except that the examination pass in airline transport pilot licence aviation law must not be more than 5 years old).
- (e) A person who fails a written examination 3 times within a period of 3 months may not sit another examination in that subject for a period of 3 months following the date of the last failed examination.
- (f) *[Revoked]*

61.303 Eligibility requirements

Category E flight instructor

- (a) To be eligible for the issue of a Category E flight instructor rating, a person must—
 - (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
 - (2) hold a current Grade 1 agricultural rating for the appropriate category of aircraft with a rating to conduct aerial topdressing, aerial spraying, or aerial VTA as appropriate; and

- (3) have a minimum of 2000 hours flight time experience on agricultural aircraft operations which must include—
 - (i) if the person seeks to instruct in aerial topdressing, a minimum of 100 hours flight time experience of aerial topdressing as a pilot in the appropriate category of aircraft;
 - (ii) if the person seeks to instruct in aerial spraying, a minimum of 100 hours flight time experience of aerial spraying as a pilot in the appropriate category of aircraft;
 - (iii) if the person seeks to instruct in aerial VTA operations, a minimum of 100 hours flight time experience as a pilot in the appropriate category of aircraft, comprising flight time experience on aerial topdressing operations and at least 50 hours of flight time experience on aerial VTA operations; and
- (4) *[Revoked]*
- (5) *[Revoked]*
- (6) demonstrate to the Director adequate technical knowledge of agricultural aviation by passing an oral examination and a flight test that are acceptable to the Director; and
- (7) if not already the holder of a current flight instructor rating, have satisfactorily completed an approved instructional techniques course within the 12 months prior to applying for a Category E flight instructor rating, or such other period acceptable to the Director.

Category D flight instructor

- (b) To be eligible for the issue of a Category D flight instructor rating, a person must—
 - (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
 - (2) have a minimum of 700 hours flight time experience as a pilot including pilot-in-command experience acceptable to the Director; and
 - (3) if the person seeks to instruct at night, have night flight experience acceptable to the Director; and
 - (4) if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and
 - (5) if the person seeks to instruct in instrument flight, have an appropriate current instrument rating; and
 - (6) demonstrate to the Director the ability to competently instruct for aircraft type conversion by passing an oral examination and a flight test that are acceptable to the Director; and
 - (7) if not already the holder of an instructor rating, have satisfactorily completed an approved course in the practice and theory of flight instruction.

Category C flight instructor

- (c) To be eligible for the issue of a Category C flight instructor rating, a person must—
 - (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
 - (2) have a minimum of 200 hours flight time experience as a pilot in the appropriate category of aircraft comprising specific flight experience that is acceptable to the Director; and
 - (3) if the person seeks to instruct at night, have night flight experience acceptable to the Director; and
 - (4) if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and
 - (5) if the person seeks to instruct in spinning or aerobatic manoeuvres in aeroplanes, have aerobatic experience acceptable to the Director; and
 - (6) have satisfactorily completed an approved course in the practice and theory of flight instruction; and
 - (7) have passed oral examinations in the following subject areas:

- (i) aeroplane or helicopter principles of flight and performance, as appropriate;
 - (ii) meteorology;
 - (iii) cross-country navigation techniques;
 - (iv) the practice and theory of flight instruction; and
- (8) have a minimum of 25 hours dual flight instructor training or approved equivalent; and
- (9) demonstrate to the Director the ability to give flight instruction in the appropriate category of aircraft in all normal and emergency flight manoeuvres by passing an oral examination and a flight test that are acceptable to the Director.
- (ca) A person who holds a current New Zealand Defence Force flight instructor qualification may be accepted by the Director as meeting the requirements in—
- (1) paragraph (c)(2); and
 - (2) paragraph (c)(6~~5~~), if the person's New Zealand Defence Force instructor qualification is for aeroplanes; and
 - (3) paragraph (c)(8).

Category B flight instructor

- (d) To be eligible for the issue of a Category B flight instructor rating, a person must—
- (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
 - (2) be the holder of a Category C flight instructor rating or approved equivalent for the appropriate category of aircraft; and
 - (3) have a minimum of 500 hours flight time experience as a pilot in the appropriate category of aircraft comprising specific flight experience that is acceptable to the Director; and
 - (4) if the person seeks to instruct at night, have night flight experience acceptable to the Director; and
 - (5) if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and
 - (6) if the person seeks to instruct in spinning or aerobatic manoeuvres in an aeroplane, have aerobatic experience acceptable to the Director; and
 - (7) have passed oral examinations in the following subject areas:
 - (i) aeroplane or helicopter principles of flight and performance as appropriate;
 - (ii) meteorology;
 - (iii) cross-country navigation techniques;
 - (iv) the practice and theory of flight instruction; and
 - (8) demonstrate to the Director the ability to give flight instruction in the appropriate category of aircraft in all normal and emergency flight manoeuvres by passing an oral examination and a flight test that are acceptable to the Director.
- (da) A person who holds a current New Zealand Defence Force flight instructor qualification may be accepted by the Director as meeting the flight time experience required by paragraph (d)(3) for the issue of a Category B flight instructor rating.

Category A flight instructor

- (e) To be eligible for the issue of a Category A flight instructor rating, a person must—
- (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft and

- (2) be the holder of a Category B flight instructor rating or approved equivalent for the appropriate category of aircraft; and
- (3) in the case of an aeroplane, be the holder of a current instrument rating; and
- (4) have a minimum of 1250 hours experience in the appropriate category of aircraft comprising specific flight experience that is acceptable to the Director; and
- (5) if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and
- (6) have passed oral examinations in the following subject areas:
 - (i) aeroplane or helicopter principles of flight and performance as appropriate;
 - (ii) meteorology;
 - (iii) cross-country navigation techniques;
 - (iv) the practice and theory of flight instruction; and
- (7) demonstrate to the Director an above average ability to give flight instruction in the appropriate category of aircraft during the day and night in all normal and emergency flight manoeuvres (including in the case of an aeroplane, spinning and aerobatic manoeuvres) by passing an oral examination and a flight test that are acceptable to the Director.

61.309 Transitional Provision for Category E flight instructors [Revoked]

~~(a) — A person who was issued with a Category E flight instructor rating before 15 April 2016 may continue to exercise the privileges of the rating for 12 months from 15 April 2016 without demonstrating competency under rule 61.307(e).~~

~~(b) — This rule expires on 15 April 2016.~~

61.311 Flight instructor to implement additional training under ~~Part 61~~ Subpart I

Before issuing a type rating under this Part or authorising a student pilot to fly an aircraft solo under rule 61.105, an appropriately qualified flight instructor must:

- (1) consider whether the Director has issued requirements in a notice under Subpart I in respect of an aircraft, for which the type rating is to be issued, or that the student pilot is to fly solo; and
- (2) the Director has issued requirements in a notice under Subpart I, apply and test the additional training required before issuing the rating or authorising the solo flight.

Subpart O — Agricultural Ratings

61.709 Transitional provisions for agricultural ratings [Revoked]

~~(a) — This rule applies to current agricultural ratings issued before 15 April 2016.~~

~~(b) — A pilot who holds a rating to which this rule applies may exercise the privileges of the rating —~~

~~(1) — until and on the date the pilot's demonstration of competency is due under rule 61.707, if the pilot holds a current pilot chemical rating;~~

~~(2) — after the date the pilot's demonstration of competency is due under rule 61.707, if —~~

~~(i) — the pilot successfully demonstrates competency in accordance with rule 61.707 by the due date; and~~

~~(ii) — the pilot applies to the Director under rule 61.11(a) for the issue of the agricultural rating; and~~

~~(iii) —the Director, at the Director's discretion, grants the agricultural rating on receipt of an application, and payment of the applicable fee.~~

~~(e) —Despite paragraph (b)(2), a pilot may continue to exercise the privileges of a rating to which this rule applies, not exceeding 30 days after applying to the Director under paragraph (b)(2)(ii).~~

Subpart OA — Aerial Topdressing Rating

61.719 Transitional provisions for holders of agricultural ratings [Revoked]

~~(a) —This rule applies to current agricultural ratings issued before 15 April 2016.~~

~~(b) —A pilot who holds a rating to which this rule applies may exercise the privileges in rule 61.715 until the currency period for the agricultural rating expires if the pilot holds a current pilot chemical rating.~~

~~(c) —A pilot in paragraph (b) who successfully demonstrates competency under rule 61.717 before the expiry of the agricultural rating—~~

~~(1) —is deemed to comply with rule 61.711(2); and~~

~~(2) —may be issued with an aerial topdressing rating.~~

Subpart OB — Aerial Spraying Rating

61.729 Transitional provisions for holders of agricultural ratings [Revoked]

~~(a) —This rule applies to current agricultural ratings issued before 15 April 2016.~~

~~(b) —A pilot who holds a rating to which this rule applies may exercise the privileges in rule 61.725 until the currency period for the agricultural rating expires, if the pilot holds a current pilot chemical rating.~~

~~(c) —A pilot in rule 61.727 (b) who successfully demonstrates competency before the expiry of the agricultural rating—~~

~~(1) —is deemed to comply with rule 61.721(2); and~~

~~(2) —may be issued with an aerial spraying rating.~~

Subpart OC — Aerial VTA Rating

61.739 Transitional provisions for holders of agricultural ratings [Revoked]

~~(a) —This rule applies to current agricultural ratings issued before 15 April 2016.~~

~~(b) —A pilot who holds a rating to which this rule applies may exercise the privileges in rule 61.735 until the currency period for the agricultural rating expires, if the pilot holds a current pilot chemical rating.~~

~~(c) —A pilot in rule 61.737 (b) who successfully demonstrates competency before the expiry of the agricultural rating—~~

~~(1) —is deemed to comply with rule 61.731(2); and~~

~~(2) —may be issued with an aerial VTA rating.~~

Part 77 Objects and Activities Affecting Navigable Airspace

77.3 Definitions

~~ICAO document 8168 – OPS/611 means the procedures for air navigation services and aircraft operations, approved and published by decision of the Council of the International Civil Aviation Organisation:~~

ICAO Document 8168 means the *Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS)*:

77.19 Standards for determining hazards

(a) The Director must determine a structure to be a hazard in navigable airspace if it is 120 m or higher above ground level at its site.

- (b) The Director must determine the use of a structure to be a hazard in navigable airspace if the structure will or may discharge efflux at a velocity in excess of 4.3 m per second through the obstacle limitation surfaces applicable to an aerodrome.
- (c) The Director must determine the use of a structure to be a hazard in navigable airspace if the structure will or may discharge efflux at a velocity in excess of 4.3 m per second higher than 120 m above ground level.
- (d) The Director must determine the use of a light to be a hazard in navigable airspace if an analysis discloses that its use will constitute a hazard in navigable airspace.
- (e) The Director may determine, based on the circumstances of each proposal, the use of a laser to be a hazard in navigable airspace if its use will produce exposures in navigable airspace exceeding the maximum permissible exposure defined for that laser in NZS/AS 2211.
- (f) The Director must determine the use of a weapon to be a hazard in navigable airspace if an analysis discloses that its use will constitute a hazard in navigable airspace.
- (g) The Director must determine the use of pyrotechnics to be a hazard in navigable airspace if an analysis discloses that their use will constitute a hazard in navigable airspace.
- (h) The Director may determine, based on the circumstances of each proposal, a structure to be a hazard in navigable airspace if—
- (1) it is located within an instrument flight procedures area that is specified in ICAO Document 8168-OPS/611, including standard arrival routes, initial, intermediate, final, visual and missed approach segment areas, departure areas and standard instrument departure routes, and would result in—
 - (i) the vertical distance between any point on the structure and an established minimum instrument flight altitude within that area or segment being less than obstacle clearance required for the instrument flight procedure; or
 - (ii) additional or new ceiling or visibility restrictions or a change in flight procedures applicable to departures within that area; or
 - (2) it is located within an IFR en-route obstacle clearance area, including evaluated routes on NZ en-route and area charts but excluding charted routes as published in the AIPNZ, and would necessitate an increase in an existing or planned minimum obstacle clearance altitude; or
 - (3) it exceeds the general tree height by 18 m and is located in an area of low level aerial activity or other low flying activity, or in a low flying zone or low level route as prescribed under Part 71; or
 - (4) it protrudes through the obstacle limitation surfaces of an aerodrome.

Part 91 General Operating and Flight Rules

91.205 Crew members at stations

- (a) Each crew member on duty during take-off and landing in an aircraft, other than in a balloon, ~~shall~~ **must**—
- (1) be at their crew member station unless their absence is necessary to perform duties in connection with the operation of the aircraft or for physiological needs; and
 - (2) have their safety belt fastened while at the crew member station.
- (b) Each crew member on duty during take-off and landing in an aircraft, other than in a balloon, ~~shall~~ **must** have their shoulder harness fastened while at their crew member station, unless—
- (1) the seat at the crew member station is not equipped with a shoulder harness; or
 - (2) the crew member would be unable to perform their duties with the shoulder harness fastened.

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91.307 VFR flight plan

(a) A pilot-in-command of an aircraft must submit a VFR flight plan to an appropriate ATS unit before starting any flight conducted under VFR if—

- (1) the pilot-in-command plans to proceed more than 50 ~~NM~~ from shore; or
- (2) the pilot-in-command requires an alerting service.

(b) In addition to the requirement in paragraph (a), a pilot-in-command of an aircraft may submit a VFR flight plan to an appropriate ATS unit for any other flight conducted under VFR.

(c) A VFR flight plan referred to in paragraphs (a) or (b) must include the following information:

- (1) the aircraft registration and callsign;
- (2) the type of aircraft to be used;
- (3) the route including, if practicable for each route segment, aerodromes of departure and intended landing, estimated elapsed times, and time on the ground at each intermediate aerodrome;
- (4) the SARTIME;
- (5) fuel endurance;
- (6) the total number of persons in the aircraft;
- (7) the name and telephone contact details of the pilot-in-command;
- (8) the name of the aircraft owner or operator;
- (9) any additional information that may assist search and rescue operations.

(d) If a VFR flight plan has been submitted to an ATS unit under paragraphs (a) or (b), the pilot-in-command must—

- (1) inform an appropriate ATS unit of any change to the details in the flight plan and of any change to the flight plan SARTIME before the expiry of that SARTIME; and
- (2) terminate the flight plan by advising an appropriate ATS unit before the flight plan SARTIME.

91.411 Inadvertent change to flight plan

Each A pilot-in-command of an aircraft operating under IFR, shall ~~must~~ in the event of an inadvertent departure from the current flight plan—

- (1) advise an appropriate ATS unit of—
 - (i) any deviation from track; and
 - (ii) any variation of 5% or more of the true airspeed or any variation of 0.02 or more of the Mach number given in the flight plan; and
 - (iii) a revised ETA when the estimated ETA to the next reporting point notified to the ATS unit is found to be in error by more than two minutes; and
- (2) regain track as soon as practicable.

91.423 Minimum altitudes for IFR flights

Except when necessary for take-off or landing, a pilot-in-command must not operate an aircraft under IFR below—

- (1) the applicable minimum altitudes published in the applicable AIP; or
- (2) if an applicable minimum altitude is not published in the applicable AIP—

- (i) for operations over a mountainous zone designated under Part 71 or applicable AIP, a height of 2000 feet above the highest obstacle within a horizontal radius of 5 NM_{nm} from the position of the aircraft; or
- (ii) a height of 1000 feet above the highest obstacle within a horizontal radius of 5 NM_{nm} from the position of the aircraft.

91.425 IFR cruising altitude or flight level

(a) A pilot-in-command of an aircraft within the New Zealand FIR operating under IFR in level cruising flight must, unless otherwise authorised by an ATC unit for flights in controlled airspace, maintain the following altitude or flight levels:

- (1) when operating at or below 13 000 feet AMSL and—
 - (i) on a magnetic track of 270° clockwise to 089°, any odd thousand foot altitude AMSL; or
 - (ii) on a magnetic track of 090° clockwise to 269°, any even thousand foot altitude AMSL:
- (2) when operating at or above flight level 150 up to and including flight level 410 and—
 - (i) on a magnetic track of 270° clockwise to 089°, any odd flight level beginning at and including flight level 150; or
 - (ii) on a magnetic track of 090° clockwise to 269°, any even flight level beginning at and including flight level 160:
- (3) when operating above flight level 410 and—
 - (i) on a magnetic track of 270° clockwise to 089°, any odd flight level, at 4000 foot intervals beginning at and including flight level 450; or
 - (ii) on a magnetic track of 090° clockwise to 269°, any odd flight level at 4000 foot intervals beginning at and including flight level 430.

(b) Except as provided in paragraph (c), a pilot-in-command of an aircraft within the New Zealand FIR operating under IFR must not maintain level cruising flight—

- (1) at any level between 13 000 feet AMSL and flight level 150, unless authorised to do so by an ATC unit for flights in controlled airspace; and
- (2) at any flight level below flight level 160 when the area QNH zone setting is 980 hPa or less; and
- (3) below flight level 160 when operating in IMC within a 20 NM_{nm} radius encompassing Mount Cook centred on S 43.36.00.0, E 170.09.00.0.

(c) A pilot-in-command of an aircraft within the New Zealand FIR operating under IFR outside controlled airspace may maintain level cruising flight between 13 000 feet AMSL and flight level 150 if the pilot-in-command—

- (1) is unable to operate the aircraft in level cruising flight at or below 13 000 feet AMSL or at or above flight level 150; and
- (2) has established that there is no conflict with other aircraft at the altitude to be flown; and
- (3) has given to the relevant ATS unit prior notification of the altitude to be flown.

91.525 Flights over water

(a) An aircraft that is operated on a flight over water must be equipped with 1 life preserver for each person on board and stowed in a position that is readily accessible from the seat or berth occupied by the person if—

- (1) the aircraft is a single-engine aircraft and the flight distance to shore is more than gliding distance for the aircraft; or

- (2) the aircraft is a multi-engine aircraft that is unable to maintain a height of at least 1000 feet AMSL with 1 engine inoperative, and the flight distance to shore is more than gliding distance for the aircraft; or
 - (3) the aircraft is a multi-engine aircraft that is capable of maintaining a height of at least 1000 feet AMSL with 1 engine inoperative and the flight distance to shore is more than 50 ~~NM~~.
- (b) A single-engine aircraft, or multi-engine aircraft that is unable to maintain a height of at least 1000 feet AMSL with 1 engine inoperative, that is operated on a flight over water that extends to more than 100 ~~NM~~ from shore must be equipped with—
- (1) enough life-rafts with buoyancy and rated capacity to accommodate all the occupants of the aircraft; and
 - (2) a survival locator light on each life-raft; and
 - (3) a survival kit, appropriately equipped for the route to be flown, attached to each life-raft; and
 - (4) at least 1 pyrotechnic signalling device on each life-raft; and
 - (5) 1 ELT(S) or 1 EPIRB.
- (c) A multi-engine aircraft that is capable of continuing flight with 1 or more engines inoperative that is operated on a flight over water that extends to more than 200 ~~NM~~ from shore must be equipped with the equipment specified in paragraph (b).
- (d) An aircraft in excess of 5700 kg MCTOW that is operated on a flight over water that extends to more than 200 ~~NM~~ from shore must be equipped with—
- (1) the equipment specified in paragraph (b); and
 - (2) an additional ELT(S) or EPIRB.
- (e) A manned balloon must be equipped with 1 life preserver for each person on board stowed in a position that is readily accessible from the position occupied by the person if—
- (1) the flight crosses or might cross the shore of any lake or sea; or
 - (2) the flight ~~takes off~~ ~~takes-off~~ from or intends to land at a site where the take-off or approach path is so disposed over water that in the event of a mishap there is a likelihood of a ditching; or
 - (3) the flight ~~takes off~~ ~~takes-off~~ from a site that is located within 1 ~~NM~~ of water at the ordinary high water mark and the wind is offshore or is less than 5 knots onshore.
- (f) The life preservers, life-rafts, signalling devices, ELT(S), and EPIRB required under any of paragraphs (a) to (e) must be installed in conspicuously identified locations and must be easily accessible in the event of a ditching of the aircraft.

91.605 Maintenance programmes and schedules

- (a) Subject to paragraphs (b), (c), and (d), the operator of an aircraft must maintain the aircraft under—
- (1) a maintenance programme approved under Part 115; or
 - (2) a maintenance programme approved under Part 119; or
 - (3) a maintenance programme approved under rule 91.607; or
 - (4) the manufacturer's maintenance schedule; or
 - (5) if the aircraft is powered by a piston engine and has a MCTOW of 2730 kg or less, a maintenance programme that is acceptable to the Director and includes at least the following:

- (i) details of the responsibilities and standards for maintenance of the aircraft ~~in accordance with~~ under the applicable rule requirements;
 - (ii) details of pre-flight checks;
 - (iii) details of scheduled maintenance checks and inspections.
- (b) The operator of an aircraft that is—
- (1) used for air operations under the authority of an air operator certificate issued by the Director under the Act and Part 119 must maintain the aircraft under the maintenance programme that is required by Part 119; or
 - (2) used for adventure aviation operations under the authority of an adventure aviation operator certificate issued by the Director under the Act and Part 115 must maintain the aircraft under the maintenance programme that is required by Part 115; or
 - (3) issued with a special category airworthiness certificate must maintain the aircraft under a valid maintenance programme approved under rule 91.607 for the holder of the certificate of registration for the aircraft.
- (c) If the manufacturer’s maintenance schedule referred to in subparagraph (a)(4) does not provide for an aircraft that operates for less than 100 hours of time in service per year, the operator must ensure that the manufacturer’s 100-hour inspection or an equivalent inspection is completed within the preceding 12 months.
- (d) If the Director determines that a manufacturer’s maintenance schedule referred to in subparagraph (a)(4) is deficient, the Director may require the operator to submit a maintenance programme for approval under rule 91.607.
- (e) Except as provided in paragraph (f) and rule 91.611, the operator of an aircraft must not operate the aircraft unless—
- (1) every aircraft radio station that is required to be installed in the aircraft under Subpart F for operations under IFR has been tested and inspected under Part 43, Appendix B within the preceding 24 months; and
 - (2) every static pressure system, altimeter instrument, or automatic pressure altitude reporting system that is required to be installed in the aircraft under Subpart F, or required for a surveillance transponder installed in the aircraft, has been tested and inspected under Part 43, Appendix D—
 - (i) within the preceding 24 months; and
 - (ii) following any opening and closing of the static pressure system, except for the use of system drain and alternate static pressure valves, or where self-sealing disconnect coupling is provided; and
 - (iii) following installation of, or maintenance on, the automatic pressure altitude reporting system where data correspondence error could be introduced; and
 - (3) every surveillance transponder that is required to be installed in the aircraft under Subpart F has been tested and inspected, under Part 43, Appendix E within the preceding 24 months; and
 - (4) every ELT or AELS that is required to be installed in the aircraft under Subpart F—
 - (i) has been tested and inspected under—
 - (A) ~~Appendix F of Part 43, as required by subparagraphs (AA) or (BAB), whichever occurs earlier—~~
 - (AA) within the preceding previous 12 months; or
 - (A) (AB) the aircraft manufacturer’s 100 hour inspection or ~~an a manufacturer’s equivalent inspection, whichever is earlier,~~ or
 - (B) for an aircraft maintained under a maintenance programme required by rule 119.63, the scheduled intervals, which must not be more than 12 months, as described in the approved maintenance programme; and

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- (ii) has the battery replaced in accordance with the manufacturer's instructions, when the life of the battery, as established by the manufacturer, has expired; and
 - (5) every compass that is required to be installed in the aircraft under Subpart F has been calibrated—
 - (i) within the preceding 24 months; and
 - (ii) following any out of phase event that may affect the calibration of the compass unless the aircraft manufacturer specifies otherwise; and
 - (6) every first aid kit that is required to be installed in the aircraft under Subpart F has been inspected—
 - (i) within the preceding 12 months to ensure that appropriate quantities of items are included and time-expired items are replaced; and
 - (ii) after every reported use to ensure that appropriate quantities of items are included; and
 - (7) every portable fire extinguisher that is required to be installed in the aircraft under Subpart F has been inspected for condition and tested in accordance with the manufacturer's instructions or other equivalent instructions acceptable to the Director within the preceding 12 months; and
 - (8) all flotation equipment that is required to be installed in the aircraft under Subpart F has been inspected for condition and tested in accordance with the manufacturer's instructions or other equivalent instructions acceptable to the Director within the preceding 12 months; and
 - (9) the aircraft's empty weight and centre of gravity is re-established if—
 - (i) changes have been made to the aircraft that could affect the empty weight and centre of gravity; or
 - (ii) the operator has any reason to suspect that the information in the aircraft's flight manual is no longer accurate; and
 - (10) for a powered aircraft with a maximum certificated seating capacity of 4 or more seats, the aircraft has been weighed within the preceding 10 years.
- (f) The operator of an aircraft that is maintained under a maintenance programme referred to in paragraphs (a)(1), (a)(2), (a)(3), or (a)(5) is not required to comply with any particular requirement in paragraph (e) if the maintenance programme for the aircraft includes a test, inspection, or other action that is equivalent to the particular requirement in paragraph (e).
- (g) The operator of an aircraft must—
- (1) identify in the maintenance logbook for the aircraft which maintenance option under paragraph (a) is to be used for the aircraft; and
 - (2) if the maintenance programme is one that is approved under Part 119 or approved under rule 91.607, identify in the maintenance programme the person who is responsible for scheduling the maintenance that is required in the programme; and
 - (3) if changing from the maintenance programme or option identified under paragraph(1) to another programme or option under paragraph (a), schedule the inspections required by the new programme or schedule, to provide for the continued airworthy condition of the aircraft; and
 - (4) provide a copy of the applicable maintenance programme or schedule to the person who performs maintenance on the aircraft, and upon request to the Director.
- (h) The tests and inspections required by paragraphs (e)(1), (e)(2)(i), (e)(3), and the 12 month test and inspection requirement in paragraph (e)(4)(i)(A) do not need to be performed if—
- (1) the aircraft has been inspected for the grant of an airworthiness certificate under section 9 of the Act and Part 21 within the preceding 12 months; and

- (2) the applicable equipment was installed in the aircraft when the inspection specified in paragraph (1) was performed.

91.607 Approval of maintenance programmes

(a) An applicant for the approval of a maintenance programme referred to in rule 91.605(a)(23) must complete form CAA 24091/02, and submit it to the Director together with the document required by paragraph (b) and a payment of the appropriate application fee prescribed by Regulations made under the Act.

(b) The applicant for the approval of a maintenance programme must provide the Director with a document containing—

- (1) a description of the maintenance programme; and
- (2) procedures for maintenance control; and
- (3) procedures for the compilation and retention of records, reports, and technical reference material; and
- (4) instructions and procedures for the conduct of the maintenance for the particular aircraft type, including required inspections and tests; and
- (5) an inspection schedule that is consistent with—
 - (i) the manufacturer's recommendations; and
 - (ii) the operator's service experience; and
 - (iii) the type of operation in which the aircraft is engaged; and
- (6) procedures for extending inspection intervals in accordance with rule 91.611, if applicable; and
- (7) procedures for assessing and controlling engine, propeller and component TBO escalations, if applicable; and
- (8) procedures for changing an inspection interval on the basis of service experience, if applicable; and
- (9) sample inspection forms, and instructions for their use; and
- (10) sample reports and records, and instructions for their use.

(c) The Director may approve a maintenance programme for an applicant if the Director is satisfied that—

- (1) the programme meets the requirements of paragraph (b); and
- (2) the approval of the maintenance programme is not contrary to the interests of aviation safety.

(d) An applicant for approval of a maintenance programme for an aircraft that has a *special category—exhibition* airworthiness certificate or a *special category—limited* airworthiness certificate must, in addition to paragraph (b), provide the Director with a document containing—

- (1) details of a pre-flight inspection that must be carried out before the first flight of the day for the aircraft; and
- (2) details of a post-flight inspection if a post-flight inspection is specified by the manufacturer or recognised military authority for the aircraft type; and
- (3) details of an annual maintenance inspection; and
- (4) if applicable, a schedule of lifed components and their associated life as specified by—
 - (i) the aircraft manufacturer; or
 - (ii) a military authority acceptable to the Director; or
 - (iii) the Director; and
- (5) provisions for ensuring the continuing airworthiness of the aircraft; and

- (6) additional inspections consistent with—
- (i) the manufacturer's recommendations; and
 - (ii) service experience, including military operations; and
 - (iii) the type of operations in which the aircraft is engaged; and
 - (iv) the complexity of the aircraft.
- (e) A maintenance programme required by rule 91.605(b)(2) to which paragraph (d) applies must include the airframe, engines, propellers, rotors, appliances, survival equipment and emergency equipment.
- (f) Subject to any change that the Director may require under rule 91.609, a maintenance programme approved under paragraph (c) for an aircraft that has a *special category* airworthiness certificate is only valid for the period that the certificate of registration remains valid under rule 47.65.

91.807 Engine emission compliance

~~No~~ A person ~~must not~~ ~~may~~ operate a turbojet or turbofan powered aircraft to or from an aerodrome within New Zealand ~~after 28 July 2003~~, unless —

- (1) for New Zealand registered aircraft, the Director is satisfied that the aircraft complies with the applicable aircraft engine emission standards specified in Appendix C to Part 21; and
- (2) for foreign registered aircraft, that aircraft is certificated or validated by the State of Registry to comply with standards that are equivalent to the applicable aircraft engine emission standards specified in ICAO Annex 16, Volume II.

Appendix A — Instrument and equipment specifications

[Only those items that are proposed to be amended are listed]

Instruments and equipment required by Subpart F ~~shall~~ ~~must~~ meet the following specifications and requirements:

A.2 Fuel and oil markings

- (a) **Fuel contents gauge.** Each fuel contents gauge calibrated in US gallons ~~shall~~ ~~must~~ be clearly marked to show that the calibration is in US gallons.
- (b) **Fuel and oil placards.** Each aircraft ~~shall~~ ~~must~~ be placarded in the immediate vicinity of each fuel and oil filler with the specification and/or grade of fuel or oil as appropriate.

A.8 Pressure altimeters

- (a) For pressurised aircraft to be operated at altitudes above 25 000 feet, each sensitive pressure altimeter ~~shall~~ ~~must~~ —
 - (1) for a MCTOW not exceeding 5700 kg, be—
 - (i) a counter/pointer or drum pointer altimeter at the normal pilot-in-command position; and
 - (ii) a counter/pointer, drum pointer, or three pointer altimeter at other crew stations; or
 - (2) for a MCTOW exceeding 5700 kg, be—
 - (i) a counter/pointer type at the normal pilot-in-command position; and
 - (ii) either a counter/pointer or drum/pointer type at other crew stations.
- (b) For aircraft to be operated IFR at altitudes not above 25 000 feet, each sensitive pressure altimeter ~~shall~~ ~~must~~ be counter/pointer, drum/pointer, or three pointer type.
- (c) Each three pointer altimeter ~~shall~~ ~~must~~ have a striped low altitude warning sector that is fully displayed at all altitudes up to 10 000 ft and progressively withdrawn above that altitude and either—
 - (1) a 10 000 ft pointer that cannot be obscured by any other pointers; or

- (2) a concentric track indicating 10 000 ft intervals; or
 - (3) a combination of subparagraphs (1) and (2).
- (d) Each sensitive pressure altimeter ~~shall~~ **must** —
- (1) meet the requirements of—
 - (i) TSO C10; or
 - (ii) British Standards G115, G201, or G226; or
 - (2) be adjustable for barometric pressure in hectoPascals or millibars and be presented so as to enable altitudes to be easily read to within 20 ft.
- (e) Aircraft not required to be fitted with a sensitive pressure altimeter ~~shall~~ **must** be fitted with an altimeter calibrated in increments of not more than 200 ft.

A.12 First aid kits

Each first aid kit ~~shall~~ **must** —

- (1) be placed in a container that—
 - (i) minimises the risk of theft or deterioration of the contents; and
 - (ii) ensures that any theft may be readily detected; and
- (2) be located and secured in such a manner that—
 - (i) the possibility of damage or loss as the result of an accident is minimised; and
 - (ii) there is no danger to the occupants of the aircraft; and
- (3) have its location marked—
 - (i) on the outside of any compartment containing the kit; and
 - (ii) for aircraft that do not exceed 5700 kg MCTOW, on the outside of the aircraft; and
- (4) when containing narcotics, be installed in an aircraft—
 - (i) in accordance with regulation 28 of the Misuse of Drugs Regulations 1977; and
 - (ii) that when not in use can be locked, or placed in a lockable hangar, or have the first aid kit containing narcotics removed to a safe and secure location.

Life rafts shall be considered to be safe and secure locations for the storage of first aid kits containing narcotics.

A.13 Fire extinguishers

Each fire extinguisher ~~shall~~ **must** —

- (1) be installed and secured in such a manner that it will not interfere with the safe operation of the aircraft or adversely affect the safety of crew or passengers; and
- (2) subject to subparagraph (4), be of a type and quantity of extinguishing agent suitable for the kinds of fires likely to occur in the compartment where the fire extinguisher is intended to be used; and
- (3) minimise the hazards of toxic gas concentrations; and
- (4) contain as an extinguishing agent only—
 - (i) bromochlorodifluoromethane (halon 1211); or
 - (ii) bromotrifluoromethane (halon 1301); or
 - (iii) carbon dioxide; or
 - (iv) dry powder; or

- (v) another agent that provides an equivalent extinguishing action.

A.16 Oxygen

Oxygen used in aircraft ~~shall~~ **must** be of Aviation Oxygen Standard which is gaseous oxygen with a minimum purity of 99%, maximum moisture of 0.0056 grams per cubic metre, and nil carbon monoxide.

A.17 Passenger oxygen masks

Each passenger oxygen mask ~~shall~~ **must** meet the requirements of TSO C64.

A.20 Protective breathing equipment

Protective breathing equipment ~~shall~~ **must**—

- (1) meet the requirements of TSO C99; and
- (2) protect users from the effects of—
 - (i) smoke; or
 - (ii) carbon dioxide; or
 - (iii) other harmful gases; or
 - (iv) an oxygen deficient environment caused by other than aeroplane depressurisation.

A.21 Crew member portable protective breathing equipment

(a) Except as provided in paragraph (b), crew member portable protective breathing equipment ~~shall~~ **must** meet the requirements of TSO C116.

(b) Crew member portable protective breathing equipment may consist of a portable oxygen supply connected to protective breathing equipment that allows unrestricted performance of crew member duties.

Part 95 Instrument Flight Procedures – Registration

95.59 Transition [~~Revoked~~]

~~(a) Subject to paragraph (b), the requirements of rules 95.51 and 95.53(a) do not apply to an instrument flight procedure which is used for IFR flight and is published in the AIPNZ as of the 23 October 2008 until 23 October 2009.~~

~~(b) An instrument flight procedure which is published in the AIPNZ as of the 23 October 2008 is deemed to have been notified in the Gazette in accordance with rule 95.55(a)(2).~~

Part 115 Adventure Aviation – Certification and Operations

Title Page

Adventure Aviation, ~~Initial Issue~~ – Certification and Operations

Part 119 Air Operator - Certification

119.9 Application for certificate

~~Each~~ An applicant for the grant of an air operator certificate ~~shall~~ **must** complete form CAA 24119/01, which ~~shall~~ requires—

- (1) the name and address for service in New Zealand of the applicant; and
- (2) the details required by ~~rule~~ 119.15(b), for the operations specifications; and

- (3) the exposition required—
 - (i) by rule 119.81 for an airline air operator certificate; or
 - (ii) by rule 119.125 for a general aviation air operator certificate; and
- (4) such further particulars relating to the applicant as may be required by the Director as indicated on the form—

and submit it to the Director, with a payment of the appropriate application fee prescribed by regulations made under the Act, not less than 90 days before the date of intended operation, unless a shorter period is acceptable to the Director.

119.15 Operations specifications

- (a) An air operator certificate issued under the Act and ~~in accordance with~~ under this Part must be accompanied by the operations specifications specified in paragraph (b).
- (b) The operations specifications must contain—
 - (1) details of the physical location of the certificate holder's principal base of operations; and
 - (2) the certificate holder's address for service in New Zealand; and
 - (3) other business names under which the certificate holder may operate; and
 - (4) the type, serial number, and registration of every aircraft that is authorised for use; and
 - (5) details of the air operation types authorised; and
 - (6) the authorisation and limitations for routes and areas of operations; and
 - (7) any exemption granted from any requirement of this or any other Part; and
 - (8) any other item that the Director determines is necessary to cover a particular situation; and
 - (9) where applicable, the authorisations and limitations for routes and areas of air operations conducted in Australia by a holder of a New Zealand AOC with ANZA privileges.
- (c) When authorising SEIFR passenger operations in a certificate holder's operations specifications, the Director may specify that the authorisation is valid for a period less than that for which the air operator certificate is valid.
- (d) When authorising EDTO in a certificate holder's operations specifications the Director must specify the following:
 - (1) the registration of each aeroplane authorised for EDTO; and
 - (2) the maximum diversion time for each aeroplane that is authorised for EDTO under paragraph (1); and
 - (3) the EDTO alternate aerodromes authorised for EDTO.

119.61 Maintenance procedures

- (a) An applicant for the grant of an airline air operator certificate must establish procedures ~~to~~ for ensuring the continued airworthiness of—
 - (1) every aircraft that is operated under the authority of the certificate; and
 - (2) any equipment installed in or attached to the aircraft.
- (b) An applicant for the grant of an airline air operator certificate that contracts with another person to perform maintenance on the applicant's aircraft must include in the exposition required under rule 119.81 details of—
 - (1) the functions to be transferred to the other person; and
 - (2) the scope of the maintenance to be carried out by the other person; and

- (3) the authority of the other person in respect of the functions and maintenance to be carried out.

119.65 Documentation

- (a) Each An applicant for the grant of an airline air operator certificate must shall establish procedures for controlling, amending, and distributing its operational, safety, and maintenance data.
- (b) Each An applicant for the grant of an airline air operator certificate must shall establish a procedure for the control of documentation required by any applicable Part, including but not limited to Parts 91, 108, 121, 125, and 135.
- (c) The procedures required by paragraphs (a) and (b) must shall ensure that—
- (1) all documentation is reviewed and authorised by appropriate personnel before issue; and
 - (2) current issues of all relevant documents are available to personnel at all locations where they need access to such documentation, in either hard copy, electronic, or other form acceptable to the Director; and
 - (3) all obsolete documentation is promptly removed from all points of issue or use; and
 - (4) changes to documentation are reviewed and approved by appropriate personnel; and
 - (5) the current version of each item of documentation can be identified to preclude the use of superseded material.

119.81 Airline air operator exposition

- (a) An applicant for the grant of an airline air operator certificate must provide the Director with an exposition that contains—
- (1) a statement signed by the chief executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—
 - (i) define the air operator organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part and any other applicable Part; and
 - (ii) are required to be complied with by the organisation's personnel at all times; and
 - (1A) in relation to the system for safety management required by rule 119.79—
 - (i) all of the documentation required by rule 100.3(b); and
 - (ii) for an applicant that is not applying for a renewal of an airline air operator certificate, an implementation plan that describes how the system for safety management will be implemented; and
 - (2) the titles and names of the senior persons required by rules 119.51(a)(1) and (2); and
 - (3) the duties and responsibilities of the senior persons required by rules 119.51(a)(1) and (2), including—
 - (i) matters for which they have a responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
 - (ii) responsibilities for safety management; and
 - (4) a summary of the scope of activities at each location where the applicant's operations personnel are based for the purpose of providing air transport operations; and
 - (5) an organisation chart showing lines of responsibility of the senior persons required by rules 119.51(a)(1) and (2) and extending to each location listed under paragraph (a)(4); and
 - (6) a summary of the staffing structure at each location listed under referred to in paragraph (a)(4); and
 - (6A) information identifying the lines of safety responsibility within the organisation; and

- (7) details of the principal place of operation and, if applicable, the main operation base and the main maintenance base; and
- (8) details of the resources required by rule 119.55; and
- (9) details of the procedures required by this Part; and
- (10) details of—
 - (i) the maintenance procedures required by rule 119.61; and
 - (ii) the maintenance programme required by rule 119.63; and
 - (iii) the maintenance organisation that performs maintenance on the applicant's aircraft; and
- (11) details of the programmes required, as appropriate, by this Part, and Part 121, Part 125, or Part 135; and
- (12) details of the procedures that ensure compliance with the laws of any foreign State in which the applicant's aircraft operate; and
- (13) procedures ~~to~~for controlling, amending, and distributeing the exposition.

(b) The applicant's exposition must be acceptable to the Director.

119.109 Maintenance procedures

- (a) An applicant for the grant of a general aviation air operator certificate must establish procedures ~~to~~for ensuringe the continued airworthiness of—
 - (1) every aircraft that is operated under the authority of the certificate; and
 - (2) any equipment installed in or attached to the aircraft.
- (b) An applicant for the grant of a general aviation air operator certificate that contracts with another person to perform maintenance of the applicant's aircraft must include in the exposition required under rule 119.125 details of—
 - (1) the functions to be transferred to the other person; and
 - (2) the scope of the maintenance to be carried out by the other person; and
 - (3) the authority of the other person in respect of the functions and maintenance to be carried out.

119.113 Documentation

- (a) ~~Each An~~ applicant requiring a management system ~~in accordance with~~ under rule 119.124(e) for the grant of a general aviation air operator certificate ~~must shall~~ establish procedures ~~to~~for controlling, amending, and distributeing its operational, safety, and maintenance data.
- (b) ~~Each An~~ applicant for the grant of a general aviation air operator certificate ~~must shall~~ establish a procedure for the control of documentation required by any applicable Part, including but not limited to Parts 91 and 135.
- (c) The procedures ~~required by paragraphs (a) and (b) must shall~~ ensure that—
 - (1) all documentation is reviewed and authorised by appropriate personnel before issue; and
 - (2) current issues of all relevant documents are available to personnel at all locations where they need access to such documentation, in either hard copy, electronic, or other form acceptable to the Director; and
 - (3) all obsolete documentation is promptly removed from all points of issue or use; and
 - (4) changes to documentation are reviewed and approved by appropriate personnel; and
 - (5) the current version of each item of documentation can be identified to preclude the use of superseded material.

119.125 General aviation air operator exposition

(a) An applicant for the grant of a general aviation air operator certificate must provide the Director with an exposition, that contains—

- (1) a statement signed by the chief executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—
 - (i) define the air operator organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part and any other applicable Part; and
 - (ii) are to be complied with by the organisation's personnel at all times; and
- (1A) in relation to the system for safety management required by rule 119.124—
 - (i) all of the documentation required by rule 100.3(b); and
 - (ii) for an applicant that is not applying for a renewal of a general aviation air operator certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (2) the titles and names of the senior persons required by rules 119.101(a)(1) and (2); and
- (3) the duties and responsibilities of the senior persons required by rules 119.101(a)(1) and (2) including—
 - (i) matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
 - (ii) responsibilities for safety management; and
- (4) if appropriate, an organisation chart showing lines of responsibility of the senior persons required by rules 119.101(a)(1) and (2); and
- (4A) information identifying the lines of safety responsibility within the organisation; and
- (5) details of the principal place of operation and the main maintenance base; and
- (6) details of the applicant's procedures required by this Part; and
- (7) details of—
 - (i) the maintenance procedures required by rule 119.109; and
 - (ii) the maintenance programme required by rule 119.111; and
 - (iii) the person that performs maintenance on the applicant's aircraft; and
- (8) details of the programmes required, as appropriate, by this Part and Part 135; and
- (9) details of the applicant's procedures that ensures compliance with the laws of any foreign State in which the applicant's aircraft operate; and
- (10) procedures for controlling, amending, and distributing the exposition.

(b) The applicant's exposition must be acceptable to the Director.

119.207 Transition for general aviation air operator certificate holders and applicants

(a) This rule applies to each—

- (1) holder of a general aviation air operator certificate;
- (2) applicant for the grant of a general aviation air operator certificate.

- (b) Before the date of implementation set ~~under~~ ~~in accordance with~~ subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—
- (1) rule 119.101(b)(1)(iv), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for an organisational management system;
 - (2) rule 119.124, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an organisational management system that complies with rule 119.209;
 - (3) rule 119.125(a)(1A)(i);
 - (4) rule 119.125(a)(3)(ii);
 - (5) rule 119.125(a)(4A).
- (c) A completed CAA form and implementation plan must be submitted to the Director—
- (1) after 1 February 2016 for an applicant for the grant of a general aviation air operator certificate under ~~sub~~paragraph (a)(2); and
 - (2) by 30 July 2018 for the holder of a general aviation air operator certificate under ~~sub~~paragraph (a)(1).
- (d) The implementation plan referred to in paragraph (c) must—
- (1) include a proposed date for implementation of the system for safety management; and
 - (2) outline how the organisation plans to implement the system for safety management required under rule 119.124.
- (e) The Director will, if acceptable—
- (1) approve the organisation's plan for implementation; and
 - (2) set the date for implementation of the system for safety management.
- (f) In setting the date under ~~sub~~paragraph (e)(2), the Director must have regard to the following:
- (1) the capability of the organisation;
 - (2) the complexity of the organisation;
 - (3) the risks inherent in the activities of the organisation;
 - (4) the date of any certificate renewal;
 - (5) any resource or scheduling impacts on the organisation or the Authority or both;
 - (6) the date for implementation must not be later than 1 February 2021.
- (g) A holder of a general aviation air operator certificate under ~~sub~~paragraph (a)(1) does not have to submit an implementation plan with its certificate renewal application.
- (h) This rule expires on 1 February 2021.

Appendix B — Qualifications and Experience of Senior Persons – General Aviation Air Operator Certificate Holder

This Appendix prescribes the qualifications and experience for the senior persons responsible under ~~rules~~ 119.101(b)(1)(i), (ii), (iii), and (iv).

B.1 Senior person responsible for air operations

Part 135 Operation		
	More Greater than 3 aircraft or moregreater 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 3	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 3
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.

B.2 Senior person responsible for crew training and competency assessment

Part 135 Operation		
	More Greater than three aircraft and/or moregreater than two bases	Less than four aircraft and/or less than three bases
Document required	Commercial Pilot Licence, with Instrument Rating if operations include IFR	Commercial Pilot Licence, with Instrument Rating if operations include IFR
Currency	Current to act as pilot-in-command of one type of operator's aircraft	Current to act as pilot-in-command of one type of operator's aircraft
Experience	3 years as pilot-in-command under Part 135 operations and 2 years' experience in the check and training role	

B.3 Senior person responsible for the control and scheduling of maintenance

- (a) The senior person responsible for the control and scheduling of maintenance in an organisation conducting air operations under Part 135 must—

- (1) have a clear knowledge and understanding of the maintenance parts of the organisation’s exposition and the applicable maintenance provisions of Part 135; and
 - (2) meet the requirements of paragraph (b); and
 - (3) undertake any examination or test that the Director may require to determine the applicant’s competency to perform the maintenance planning and control functions required.
- (b) The senior person in paragraph (a) must—
- (1) meet the requirements of Appendix A.3.1; or
 - (2) meet the requirements of Appendix A.3.2; or
 - (3) for organisations intending to conduct or conducting air operations with a total of three or less aircraft listed on their operations specifications and from a total of two or less bases, have sufficient knowledge of maintenance to be able to ensure that the aircraft is maintained in an airworthy condition and that any maintenance required by its maintenance programme is satisfactorily accomplished.
- (c) The knowledge requirements in paragraph (b)(3) may be met through a course of instruction acceptable to the Director and conducted under the authority of a training organisation certificate granted under section 9 of the Act and in accordance with Part 141 or Part 147.

B.4 Senior person responsible for the system for safety management

Part 135 Operation	
Competency	Demonstrate competency relevant to systems for safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

B.5 Senior person responsible for the organisational management system

Part 135 Operation		
	More than three aircraft and/or more than two bases	Less than four aircraft and/or less than three bases
Document required	Certificate in Quality Assurance or equivalent qualification or ß	General knowledge and awareness of quality assurance or management systems
	General knowledge and awareness of quality assurance or management systems or ß	
	2 years' experience in management systems in the aviation industry	
Experience	3 years' experience in aviation with flight operations or maintenance background	

In addition, a person may be assessed as meeting the qualification requirements for this senior person position if they have had equivalent experience in quality assurance management acceptable to the Director.

Part 121 Air Operations – Large Aeroplanes

121.59 Flight preparation

- (a) The holder of an air operator certificate must ensure that for each air operation conducted under the authority of that certificate, appropriate information is available to the pilot-in-command to complete the preparation for the intended operation.
- (b) The holder of an air operator certificate must ensure that ~~prior to~~ ~~before~~ ~~each~~ ~~an~~ air operation ~~is~~ conducted under the authority of that certificate, a flight plan meeting the requirements of rule 91.307(c) or 91.407 as appropriate for the type of operation is prepared, and if the flight plan is not prepared by the pilot-in-command, the pilot-in-command is informed of the contents of the flight plan before the intended operation.
- (c) A VFR flight plan prepared under paragraph (b) in accordance with the requirements of rule 91.307(c) may incorporate multiple route segments provided that the SARTIME is amended for the next aerodrome of intended landing as the flight proceeds.
- (d) Where operations personnel prepare an operational flight plan, the holder of the air operator certificate must ensure that the personnel—
- (1) are trained and competent to perform the task; and
 - (2) are notified as soon as practicable of each change in equipment and operating procedure or facilities.
- (e) For the purpose of paragraph (d)(2), notifiable changes include changes to the use of navigation aids, aerodromes, ATC procedures and regulations, local aerodrome traffic control rules, and known hazards to flight including potentially hazardous meteorological conditions and irregularities in ground and navigation facilities.
- (f) ~~Notwithstanding~~ ~~Despite~~ rule 91.307(a), the holder of the air operator certificate must ensure that prior to any air operation the flight plan required by paragraph (b) is submitted to an appropriate ATS unit.
- (g) ~~Notwithstanding~~ ~~Despite~~ rules 91.307(a) and 91.407(a)(1), the flight plan required to be submitted to an ATS unit under paragraph (f) may be submitted by the holder of the air operator certificate and the pilot-in-command must be informed of the contents of the flight plan.

121.67 Ditching Certification

A holder of an air operator certificate must ensure that an aeroplane used on an extended over-water operation is certified for ditching.

121.71 Use of aerodromes

- (a) A holder of an air operator certificate must ensure that an aeroplane performing an air operation under the authority of the holder's certificate does not use an aerodrome for landing or take-off unless—
- (1) the aerodrome has physical characteristics, obstacle limitation surfaces, and visual aids that meet the requirements of—
 - (i) the characteristics of the aeroplane being used; and
 - (ii) the lowest meteorological minima to be used; and
 - (2) if the operation is a regular air transport service operating to, from, or outside of New Zealand ~~after 12 July 2007~~—
 - (i) a runway at an aerodrome within New Zealand that is used for the operation has a RESA at each end of the runway ~~in accordance with the requirements of~~ as required by Part 139 Appendix A.1; or
 - (ii) if the runway does not have a RESA as required in paragraph (a)(2)(i), the certificate holder must ensure that ~~for operations conducted after 12 October 2011~~ the take-off and landing performance calculations for the aeroplane are based on a reduction of the appropriate declared distances for the runway to provide the equivalent of a 90 m RESA at the overrun end of the runway strip; and

- (iii) a runway at an aerodrome outside of New Zealand that is used for the operation has a RESA that extends to at least 150 m from the overrun end of the runway, or an engineered equivalent that is acceptable to the Director; or
 - (iv) if the runway does not have a RESA or an engineered equivalent as required in paragraph (a)(2)(iii), the certificate holder must ensure that the take-off and landing performance calculations for the aeroplane are based on a reduction of the appropriate declared distances for the runway to provide the equivalent of the RESA required in paragraph (a)(2)(iii) at the overrun end of the runway.
- (b) The certificate holder must ensure that an aeroplane performing an air operation under the authority of the holder's certificate does not use an aerodrome for landing or taking-off unless the aerodrome has—
- (1) rescue fire equipment that is appropriate to the aeroplane type and is acceptable to the Director; and
 - (2) for turbojet and turbofan powered aeroplanes, an operating visual approach slope indicator system, except when the aeroplane is performing a precision instrument approach that includes glideslope guidance.
- (c) The certificate holder must ensure that an aeroplane performing an air operation under the authority of the holder's certificate does not use an aerodrome for landing or taking-off unless the aerodrome is specified individually or by grouping in the certificate holder's exposition.
- (d) The certificate holder must ensure that the following matters are specified for each of the aerodromes or groups of aerodromes specified in the certificate holder's exposition under paragraph (c)—
- (1) the route or segment of a route;
 - (2) the necessary level of flight crew training;
 - (3) the minimum flight crew experience;
 - (4) the flight crew pairing restrictions;
 - (5) the type of authorised flight operations.
- (e) ~~Notwithstanding~~ ~~Despite~~ paragraph (f)(1), an aerodrome specified under paragraph (c) that is to be used as an alternate aerodrome by an aeroplane that has a certificated seating capacity of more than 30 passengers and is engaged on domestic air operations may be a non-certificated aerodrome.
- (f) An aerodrome specified in the certificate holder's exposition under paragraph (c) that is to be used by an aeroplane that has a certificated seating capacity of more than 30 passengers and is engaged on a regular air transport passenger service must be an aerodrome that—
- (1) for New Zealand aerodromes, is associated with an aerodrome operator certificate issued ~~in accordance with~~ under Part 139; or
 - (2) for aerodromes outside New Zealand, is associated with a certificate that meets a standard that is equivalent to that required under Part 139 and issued by an ICAO ~~e~~Contracting State.
- (g) The certificate holder must maintain a register, as part of the route guide, of aerodromes that are to be used in accordance with paragraphs (e) and (f), containing—
- (1) the aerodrome data; and
 - (2) procedures for ensuring that the condition of the aerodrome is safe for the operation; and
 - (3) procedures for ensuring that the condition of any required equipment, including safety equipment, is safe for the operation; and
 - (4) details of any limitations on the use of the aerodrome.
- (h) Except as provided in paragraph (i), the certificate holder must ensure that an aeroplane performing an air operation under the authority of the holder's certificate does not land on or take-off from a runway unless—

- (1) the width of the runway to be used is at least that width determined in accordance with Appendix C for the aeroplane; and
 - (2) the width of the runway strip for the runway to be used is at least that width determined in accordance with Table C-1 of Appendix C of Part 139 for the aeroplane and the runway type.
- (i) A runway that has a width that is less than that required under paragraph (h) may be used by an aeroplane performing an air operation under the authority of the holder's certificate if—
- (1) a lesser minimum runway width is determined by certificated flight testing, is prescribed in the aeroplane's flight manual; or
 - (2) a lesser minimum runway width was prescribed in the certificate holder's air service certificate, issued under regulation 136 of the Civil Aviation Regulations 1953 before 6 January 1993, for the aeroplane.

121.95 Emergency situation action plans

- (a) ~~Each~~ A holder of an air operator certificate ~~shall~~ ~~must~~ ensure ~~that~~ action plans are developed for handling in-air and on-ground emergency situations and minimising risk of injury to persons.
- (b) The certificate holder's emergency situation action plan ~~shall~~ ~~must~~ be based upon data including but not restricted to—
- (1) type and length of routes over which operations are carried out; and
 - (2) aerodrome ground facilities; and
 - (3) local emergency services; and
 - (4) ATC facilities; and
 - (5) type, seating configuration, and payload of the aeroplane likely to be involved.
- (c) The certificate holder's in-air emergency plan ~~shall~~ ~~must~~ include the following—
- (1) if management personnel become aware of an emergency situation arising on an aeroplane during flight that requires immediate decision and action, procedures to be followed by those personnel to ensure that—
 - (i) the pilot-in-command is advised of the emergency; and
 - (ii) the decision of the pilot-in-command is ascertained; and
 - (iii) the decision is recorded; and
 - (2) if management personnel are unable to communicate with the pilot-in-command ~~in accordance with~~ ~~under~~ paragraph ~~(e)~~(1), procedures to be followed by those personnel to ensure that—
 - (i) an emergency is declared; and
 - (ii) any action considered necessary under the circumstances is taken.
- (d) The certificate holder ~~shall~~ ~~must~~ ensure ~~that~~ appropriate staff are trained and competent to perform during emergencies in accordance with the emergency situation action plan.

Subpart C — Operating Limitations and Weather Requirements

121.171 Requirement for ~~a~~Air ~~o~~Operations in a ~~p~~Polar ~~a~~Area

- ~~(a)~~ ~~Subject to paragraph (b),~~ A holder of an air operator certificate must not conduct an air operation within a polar area unless authorised by the Director.

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~~(b) Paragraph (a) does not apply to a holder of an air operator certificate until 1 November 2011.~~

121.173 Application for ~~a~~ Air ~~o~~perations in a ~~p~~Polar ~~a~~Area

A holder of an air operator certificate applying for authorisation to conduct an air operation in a polar area must provide the Director with the following information at least 90 days before the intended air operation, or a lesser period acceptable to the Director:

- (1) details of the aerodromes in the polar area that meet the criteria for an EDTO alternate aerodrome and any special operational requirement that must be met at the time of a diversion to the aerodrome; and
- (2) a recovery plan at any aerodrome nominated under paragraph (1) as an alternate; and
- (3) a fuel freeze strategy and procedures for monitoring fuel freezing; and
- (4) a plan for ensuring that the communication capability required by rule 121.957(b)(2)(ii) is met during an air operation in a polar area; and
- (5) a training plan for an air operation in a polar area; and
- (6) a procedure for mitigating exposure of crew members to radiation during periods of solar flare activity; and
- (7) procedures for ensuring that at least 2 cold weather anti-exposure suits to protect crew members during outside activity at an aerodrome during severe climatic conditions are carried in any aeroplane operating in a polar area unless the Director determines that, due to seasonal weather conditions, anti-exposure suits are not required.

121.175 Authorisation for ~~a~~ Air ~~o~~perations in a ~~p~~Polar ~~a~~Area

The Director may amend the operations specifications required by rule 119.15 to authorise a holder of an air operator certificate to conduct an air operation in a polar area if the Director is satisfied that the details of the aerodromes and the information and procedures provided by the certificate holder under rule 121.173 are adequate for assuring the safety of the operation.

121.383 Airborne Collision Avoidance System (ACAS II)

(a) Except as provided in paragraphs ~~(b) and~~ (c), a holder of an air operator certificate must ensure that an aeroplane being operated under that certificate is equipped with ACAS II.

~~(b) [Revoked] A holder of an air operator certificate is not required to equip an aeroplane with ACAS II until —~~

- ~~(1) 1 January 2005 if the details specified under 47.55(b) in respect of that aeroplane already appear in the New Zealand Register of Aircraft on 1 August 2003; or~~
- ~~(2) 1 January 2007 if —~~
 - ~~(i) that aeroplane has a passenger seating configuration of 40 or less seats; and~~
 - ~~(ii) the details specified under 47.55(b) in respect of that aeroplane already appear in the New Zealand Register of Aircraft on 1 August 2003; and~~
 - ~~(iii) that aeroplane is being operated under that certificate before 1 October 2004; and~~
 - ~~(iv) a plan certified by the certificate holder is submitted in writing to the Director by 1 October 2004 confirming that compliance with ACAS II requirements will be achieved by 1 January 2007; and~~
 - ~~(v) the operation of that aeroplane after 1 January 2005 is conducted in accordance with an airborne collision risk assessment and risk mitigation programme that is acceptable to the Director.~~

(c) A holder of an air operator certificate conducting freight only operations with Convair 580 or F27-500 aeroplanes under that certificate is not required to comply with paragraph (a) if—

- (1) the details specified under ~~rule~~ 47.55(b) in respect of the Convair or F27 aeroplane already appear in the New Zealand Register of Aircraft on 1 August 2003; and

- (2) the Convair or F27 aeroplane is operating as a freight only aeroplane as at 1 August 2003; and
- (3) the operation of the Convair or F27 aeroplane after 1 January 2005 is conducted in accordance with an airborne collision risk assessment and risk mitigation programme that is acceptable to the Director.

121.541 Transitional arrangements [Revoked]

~~(a) — The following rules do not apply to the holder of an air operator certificate until 6 September 2014:~~

- ~~(1) — rule 121.517(4);~~
- ~~(2) — rule 121.523(a)(4);~~
- ~~(3) — rule 121.525(2);~~
- ~~(4) — rule 121.529(2);~~

~~(b) — Rule 121.519(4) does not apply to the holder of an air operator certificate until 6 September 2014 provided that the holder continues to comply with rule 121.585(4) that was in force on 5 September 2012.~~

~~(c) — Rule 121.521(4) does not apply to the holder of an air operator certificate until 6 September 2014 provided that the holder continues to comply with rule 121.583(5) that was in force on 5 September 2012.~~

121.579 Transitional arrangements [Revoked]

~~The following rules do not apply to the holder of an air operator certificate until 6 September 2014:~~

- ~~(1) — 121.553(d);~~
- ~~(2) — 121.555(b)(8);~~
- ~~(3) — 121.557(e);~~
- ~~(4) — 121.559(b)(3);~~
- ~~(5) — 121.561(b)(1);~~
- ~~(6) — 121.563(d);~~
- ~~(7) — 121.573(2);~~

121.615 Transitional arrangements [Revoked]

~~(a) — The following rules do not apply to the holder of an air operator certificate until 6 September 2014:~~

- ~~(1) — rule 121.607(3)(ii);~~
- ~~(2) — rule 121.609(2);~~
- ~~(3) — rule 121.611(4);~~

~~(b) — Rule 121.607(2)(iii) does not apply to the holder of an air operator certificate until 6 September 2014, provided that the holder continues to comply with rule 121.607(2) that was in force on 5 September 2012.~~

~~(c) — Rule 121.607(5) does not apply to the holder of an air operator certificate until 6 September 2014, provided that the holder continues to comply with rule 121.607(5)(i) that was in force on 5 September 2012.~~

Part 125 Air Operations – Medium Aeroplanes

125.57 Flight preparation

- (a) ~~The~~ holder of an air operator certificate must ensure that for each air operation conducted under the authority of that certificate, appropriate information is available to the pilot-in-command to complete the preparation for the intended operation.
- (b) ~~The~~ holder of an air operator certificate must ensure that prior to each air operation conducted under the authority of that certificate a flight plan meeting the requirements of ~~rule~~ 91.307(c) or ~~rule~~ 91.407 as appropriate for the type of operation is prepared, and if the flight plan is not prepared by the pilot-in-command, the pilot-in-command is informed of the contents of the flight plan before the intended operation.
- (c) A VFR flight plan prepared under paragraph (b) ~~in accordance with the requirements as required by rule~~ 91.307(c) may incorporate multiple route segments provided that the SARTIME is amended for the next aerodrome of intended landing as the flight proceeds.
- (d) ~~Notwithstanding~~ ~~Despite rule~~ 91.307(a) and except as provided in paragraph (f), the holder of the air operator certificate must ensure that prior to any air operation the flight plan required by paragraph (b) is submitted to an appropriate ATS unit.
- (e) ~~Notwithstanding~~ ~~Despite rules~~ 91.307(a) and 91.407(a)(1), the flight plan required to be submitted to an ATS unit under paragraph (d) may be submitted by the holder of the air operator certificate and the pilot-in-command must be informed of the contents of the flight plan.
- (f) A flight plan is not required to be submitted to an ATS unit for an air operation conducted under VFR if the operation is a non-stop flight and—
- (1) the flight departs and returns to the same aerodrome; and
 - (2) the flight remains within 25 ~~nm~~ NM of the aerodrome.
- (g) Where a flight plan is not submitted to an ATS unit under paragraph (f) the flight must be covered by a flight following service under ~~rule~~ 119.73.

125.367 Cockpit voice recorder

A holder of an air operator certificate must ensure that each of the certificate holder's aeroplanes is equipped with a cockpit voice recorder if the aeroplane's flight manual requires 2 or more flight crew members.

125.615 Transitional arrangements ~~[Revoked]~~

~~(a) — Rule 125.603(b)(4) does not apply to the holder of an air operator certificate until 1 April 2016 if a flight simulator is used to complete the flight crew competency assessments referred to in the rule.~~

~~(b) — The following rules do not apply to the holder of an air operator certificate until 1 April 2016 —~~

- ~~(1) — rule 125.605(b);~~
- ~~(2) — rule 125.607(d)(2);~~
- ~~(3) — rule 125.609(2);~~
- ~~(4) — rule 125.611(4).~~

~~(c) — Rule 125.607(e)(2) does not apply to the holder of an air operator certificate until 1 April 2016 provided that the holder continues to comply with rule 125.607(2) that was in force on 31 March 2014.~~

Part 139 Aerodromes – Certification, Operation and Use

139.51 Aerodrome design requirements

(a) An applicant for the grant of an aerodrome operator certificate must ensure that the physical characteristics of the aerodrome, the obstacle limitation surfaces, the visual aids for navigation and for denoting obstacles and restricted areas, and the equipment and installations for the aerodrome are commensurate with—

- (1) the characteristics of the aircraft that the aerodrome is intended to serve; and
- (2) the lowest meteorological minima intended for each runway; and
- (3) the ambient light conditions intended for the operation of aircraft on each runway.

(b) An applicant for the grant of an aerodrome operator certificate must ensure that a runway end safety area that complies with the physical characteristics prescribed in ~~A~~ appendix A.1 is provided at each end of a runway at the aerodrome if—

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- (1) the runway is used for regular air transport services operating to or from New Zealand; or
- (2) the aerodrome operator certificate is first issued after 12 October 2006 and the runway is used for regular air transport services by aeroplanes that have a seating configuration of more than 30 seats excluding any required crew member seat; or
- (3) the runway is commissioned after 12 October 2006 to be used for regular air transport services by aeroplanes that have a seating configuration of more than 30 seats excluding any required crew member seat; or
- (4) the runway is used for regular air transport services by aeroplanes that have a seating configuration of more than 30 seats excluding any required crew member seat and—
 - (i) either the landing distance available or the length of the runway strip is extended to a distance or length that is more than 15 metres greater than the respective distance or length that was published for the runway immediately before 12 October 2006; or
 - (ii) the runway is upgraded to an instrument runway after 12 October 2006.

(c) The RESA provided at the aerodrome must be acceptable to the Director.

(d) An applicant for the grant of an aerodrome operator certificate must ensure that the physical characteristics, obstacle limitation surfaces, visual aids, equipment and installations, provided at the aerodrome are—

- (1) compliant with—
 - (i) Appendix C; and
 - (ii) Appendix D; and
 - (iii) rules E.1, E.2, and E.3 of Appendix E; and
 - (iv) rule E.4 of Appendix E ~~after 31 July 2018~~; and
 - (v) Appendix F; and
 - (vi) Appendix G; and
 - (vii) Appendix H ~~after 31 July 2018~~; and
- (2) acceptable to the Director.

(e) Paragraph (d) applies only to areas on an aerodrome that are used by 1 or more aeroplanes—

- (1) engaged in regular air transport operations where—
 - (i) the aeroplane's point of take-off that immediately precedes the aeroplane landing at the aerodrome, is an aerodrome outside New Zealand; or
 - (ii) the aeroplane's point of landing that immediately follows the aeroplane ~~taking off~~ ~~taking off~~ from the aerodrome, is an aerodrome outside New Zealand:

- (2) having a certificated seating capacity of more than 30 passengers that are engaged in regular air transport operations for the carriage of passengers.

139.59 Rescue and firefighting – category determination

(a) Except as provided in paragraph (b), an applicant for the grant of an aerodrome operator certificate for an aerodrome referred to in rule 139.5(aa)(1) must determine the aerodrome category for rescue and firefighting as specified in Table 1 according to the largest aeroplane type regularly using the aerodrome.

Table 1. Aerodrome category for rescue and firefighting.

Aerodrome category ¹	Aeroplane over all length ²	Maximum fuselage width
3	12 m up to but not including 18 m	3 m
4	18 m up to but not including 24 m	4 m
5	24 m up to but not including 28 m	4 m
6	28 m up to but not including 39 m	5 m
7	39 m up to but not including 49 m	5 m
8	49 m up to but not including 61 m	7 m
9	61 m up to but not including 76 m	7 m
10	76 m up to but not including 90 m	8 m

1 To categorise the aerodrome according to the largest aeroplane type regularly using the aerodrome, first evaluate the ~~over all-overall~~ length, and second, the fuselage width of the aeroplane.

2 If, after selecting the category appropriate to the ~~over all-overall~~ length of the aeroplane, and the fuselage width of the aeroplane is greater than the maximum width in column (3) for that category, then the aerodrome category for that aeroplane size is actually one category higher.

- (b) The aerodrome category determined under paragraph (a) may be reduced by—
- (1) one category if the number of aeroplane movements at the aerodrome of those aeroplanes used to determine the aerodrome category under paragraph (a) is less than 700 movements in the busiest consecutive 3 months of any 12 month period; or
 - (2) two categories if—
 - (i) the number of aeroplane movements at the aerodrome of those aeroplanes used to determine the aerodrome category under paragraph (a) are less than 700 movements in the busiest consecutive 3 months of any 12 month period; and
 - (ii) there is a difference of 3 or more categories between the aerodrome categories determined under paragraph (a) for the range of aeroplane sizes of the aeroplanes using the aerodrome.
- (c) An applicant for the grant of an aerodrome operator certificate, other than for an aerodrome specified in paragraph (a), must determine the aerodrome category for rescue and firefighting as follows:
- (1) if the aerodrome serves any turbojet or turbofan aeroplanes with a certified seating capacity of more than 30 passengers engaged in regular air transport operations, the rescue and firefighting category must be the category specified in Table 1 according to the largest aeroplane type regularly using the aerodrome and may be reduced by 2 categories but in any case must not be less than category 4:
 - (2) if the aerodrome does not serve any turbojet or turbofan aeroplanes of the kind specified in paragraph (c)(1), but serves non-turbojet or non-turbofan aeroplanes with a certified seating capacity of more than 30 passengers

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engaged in regular air transport operations, and has more than 700 aeroplane movements of such aeroplanes in the busiest consecutive 3 months of any 12 month period, the aerodrome category must be category 3 or higher:

- (3) if the aerodrome category for rescue and firefighting is not determined in paragraphs (1) or (2), then no category applies.

139.77 Aerodrome certification exposition

(a) An applicant for the grant of an aerodrome operator certificate must provide the Director with an exposition which must contain—

- (1) a statement signed by the chief executive, on behalf of the applicant's organisation, confirming that the exposition and any included manuals—

- (i) define the organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 (ii) are to be complied with at all times; and

(1A) in relation to the system for safety management required by rule 139.75—

- (i) all of the documentation required by rule 100.3(b); and
 (ii) for an applicant that is not applying for a renewal of an aerodrome operator certificate, an implementation plan that describes how the system for safety management will be implemented; and

(2) the titles and names of the senior person or persons required by rules 139.55(a)(1) and (2); and

(3) the duties and responsibilities of the senior person or persons required by rules 139.55(a)(1) and (2), including—

- (i) matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
 (ii) responsibilities for safety management; and

(4) an organisation chart showing lines of responsibility of the senior person or persons required by rules 139.55(a)(1) and (2); and

(5) any limitations on the use of the aerodrome established under rule 139.53; and

(6) each current exemption granted to the applicant from the requirements of Subparts A, B, C, or D; and

(6A) information identifying the lines of safety responsibility within the organisation; and

(7) the aerodrome emergency plan required by rule 139.57; and

(8) a statement of the aerodrome category for rescue and firefighting determined under rule 139.59 with a description of the extinguishing agents, vehicles and discrete communication system required by rules 139.61, 139.63, and 139.67A, the procedures and personnel required by rule 139.65 and the procedures required by rules 139.111(c)(2) and (3); and

(9) a description of the safeguards for public protection required by rule 139.69; and

(10) the environmental management programme when required by rule 139.71; and

(11) the procedures required by rule 139.73 for the notification of aerodrome data and information; and

(12) *[revoked]*

(12A) the procedures required by rule 139.76 for the collection and reporting of traffic movement data; and

(13) the aerodrome maintenance programme required by rule 139.103; and

- (14) the procedures required by rule 139.105 for the preventive maintenance and checking of the aerodrome visual aids for navigation; and
 - (15) the procedures and precautions required by rule 139.76A for any works on the aerodrome; and
 - (16) [*revoked*]
 - (17) the aerodrome inspection programme, procedures and reporting system required by rule 139.117; and
 - (18) the procedures required by rule 139.119 for the control of ground vehicles; and
 - (19) the procedures required by rule 139.125 for limiting aircraft operations if an unsafe aerodrome condition occurs; and
 - (19A) the procedures required by rule 139.76B(2) for management and control of documents necessary for the provision and operation of the aerodrome; and
 - (20) a description of measures taken to comply with the security requirements in Subpart D, including details of the security awareness programme and the procedures required by rules 139.203(d)(8) and (9); and
 - (21) the security training programme required by rule 139.205(c); and
 - (22) procedures for controlling, amending and distributing the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

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Appendix E — Visual Aids for Navigation

E.1 Wind direction Indicators

- (a) A wind direction indicator (windsocks) must be located adjacent to each paved runway threshold.
- (b) If a paved runway is intended to be used at night at least one of the wind direction indicators required by paragraph (a) must be illuminated.

Part 172 Air Traffic Service Organisations – Certification

172.3 Definitions

ICAO Document 4444 means the ICAO document titled *Procedures for Air Navigation Services – Rules of the Air and Air Traffic Management (PANS-ATM) Services*:

ICAO Document 7030 means the ICAO document titled *Regional Supplementary Procedures as applicable to the Middle East/Asia and Pacific regions*:

ICAO Document 9432 means the ICAO document titled *Manual of Radiotelephony*:

TACAN means UHF tactical air navigation ai

172.77 Aerodrome control service

- (a) Each applicant for the grant of an air traffic service certificate in respect of an aerodrome control service shall must establish systems and procedures to—
 - (1) for determining, from information received and visual observation, the relative positions of known aircraft to each other; and
 - (2) for providing for the issue of ATC clearances, instructions, and information, for the purpose of preventing collisions between—

- (i) aircraft flying in the vicinity of an aerodrome; and
 - (ii) aircraft landing and taking off; and
 - (iii) aircraft operating on the manoeuvring area; and
 - (iv) aircraft, vehicles, and persons, operating on the manoeuvring area; and
 - (v) aircraft on the manoeuvring area and obstructions on that area; and
- (3) providing for the issue of ATC clearances, instructions, and information, for the purpose of expediting and maintaining a safe and efficient flow of traffic; and
- (4) except as provided in rules 172.91 and 172.295, providing runway and wake turbulence separation in accordance with criteria and minima prescribed by—
- (i) ICAO Annex 11; or
 - (ii) ICAO Document 4444; or
 - (iii) ICAO Document 7030; or
 - (iv) Subpart E; and
- (5) for ensuring that emergency vehicles responding to an aircraft emergency are given priority over all other surface movement traffic; and
- (6) providing for the control of the movement of persons or vehicles, including towed aircraft, on the manoeuvring area, as necessary to avoid hazard to them or to aircraft landing, taxiing, or taking off; and
- (7) for co-ordinating as necessary with other ATS units; and
- (8) for displaying, at operating positions, continuously updated information on aircraft movements.
- (b) The applicant shall must establish a procedure for ensuring that, when radio communication is not available, basic clearances, instructions, and information required by paragraph (a)(2) can be conveyed by the use of the light signals described in rule 91.243.
- (c) The applicant shall must establish procedures for ensuring that when required by either the weather, or category of approach, or both—
- (1) aircraft on an ILS or MLS approach are informed of ILS/MLS critical area incursions, or the imminent possibility of an incursion; or
 - (2) the applicable ILS/MLS critical areas are protected from incursion when an aircraft is on an ILS or MLS approach, or has reached a point on the approach from which protection from incursion is necessary.
- (d) The applicant shall must establish a procedure for ensuring that, except as provided in rule 172.91, and subject to authorisation by the applicable approach control unit, aerodrome control units provide separation between—
- (1) IFR flights and Special VFR flights; and
 - (2) Special VFR flights when the flight visibility is reported to be less than 5 km.
- (e) The applicant shall must establish a procedure for ensuring that, when authority has been delegated by, and accepted from, the applicable area or approach control unit, aerodrome control units provide separation between controlled flights in accordance with the delegation.
- (f) The separation required by paragraphs (d) and (e) shall must be obtained by the use of vertical or horizontal or composite separation, in accordance with criteria and minima prescribed by—
- (1) ICAO Annex 11; or

- (2) ICAO Document 4444; or
- (3) ICAO Document 7030; or
- (4) Subpart E.

172.93 Flight information service

General

(a) An applicant for the grant of an air traffic service certificate must establish procedures to ensure that a flight information service is provided to the following:

- (1) each aircraft being provided with an ATC service that is likely to be affected by the information in paragraph (b):
- (2) each aircraft being provided with an aerodrome flight information service that is likely to be affected by the information in paragraph (b):
- (3) each aircraft operating IFR that is likely to be affected by the information in paragraph (b):
- (4) any aircraft operating VFR for which the pilot has submitted a VFR flight plan to an ATS unit:
- (5) any aircraft operating VFR if the pilot makes a specific request to an ATS unit for flight information.

(b) The applicant must ensure that the procedures required by paragraph (a) for the provision of the flight information service includes the provision of available and relevant—

- (1) SIGMET information; and
- (2) information on weather conditions reported or forecast at departure, destination, and alternate aerodromes; and
- (3) information concerning pre-eruption volcanic activity, volcanic eruptions, and volcanic ash clouds; and
- (4) information concerning the release into the atmosphere of radioactive materials or toxic chemicals; and
- (5) information on changes in the serviceability of navigation aids; and
- (6) information on changes in the condition of aerodromes and associated facilities, including information on the state of the aerodrome movement areas when they are affected by snow, ice, or water; and
- (7) information on unmanned free balloons; and
- (8) other information likely to affect safety.

(c) An applicant for the grant of an air traffic service certificate for an aerodrome control service or aerodrome flight information service must establish procedures to ensure that, whenever water is present on a runway, a description of the runway surface conditions on the centre half of the width of the runway is made available using one of the following terms:

- (1) DAMP – the surface shows a change of colour due to moisture:
- (2) WET – the surface is soaked but there is no standing water:
- (3) WATER PATCHES – significant patches of standing water are visible:
- (4) FLOODED – extensive standing water is visible.

(d) An applicant for the grant of an air traffic service certificate for an aerodrome control service, approach control service, or aerodrome flight information service must establish procedures to ensure that, if practical, local aircraft operators likely to be affected by the information are advised of short-notice changes to published hours of service if they are unlikely to have the information from any other source.

Traffic Information

(e) An applicant for the grant of an air traffic service certificate for an air traffic control service must establish procedures ~~for~~ ensuring that essential traffic information is passed to all affected traffic.

(f) An applicant for the grant of an air traffic service certificate must establish procedures ~~to~~for ensuring that each ATS unit operating under that certificate provides traffic information to flights that are known to the ATS unit and are likely to be affected by the information as follows:

- (1) in class C airspace, between VFR flights, together with traffic avoidance advice on request;
- (2) in class D airspace, between IFR and VFR flights, and between VFR flights, together with traffic avoidance advice on request;
- (3) if practical, in class E airspace, between IFR and VFR flights, and between VFR flights on request;
- (4) in class G airspace, between IFR flights, and, if practical, between other flights on request.

172.101 Time

(a) ~~Each~~An applicant for the grant of an air traffic service certificate ~~shall~~must establish a procedure ~~to~~for ensuring that ATS unit clocks and other time recording devices—

- (1) use ~~Coordinated Co-ordinated~~Universal Time and express that time in hours and minutes of the 24-hour day beginning at 0000 UTC; and
- (2) are correct to within 5 seconds of UTC as determined by reference to a standard time station or GPS time standard.

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(b) The applicant ~~shall~~must establish a procedure ~~to~~for ensuring that the correct time, to the nearest half minute, is provided—

- (1) in respect of any aerodrome control service or aerodrome flight information service, to IFR aircraft prior to taxiing for take-off unless arrangements have been made for the pilot to obtain it from other sources; and
- (2) to any aircraft on request.

172.105 Radio and telephone procedures

(a) ~~Each~~An applicant for the grant of an air traffic service certificate ~~shall~~must establish systems and procedures ~~to~~for ensuring that—

- (1) the standard telephony and radiotelephony phraseology prescribed in paragraph (b) is used; and
- (2) in all radiotelephony communications discipline is observed, by transmitting only those messages that are necessary for the provision of an air traffic service, or that otherwise contribute to safety; and
- (3) communications procedures are in accordance with the applicable communication procedures prescribed in ICAO Annex 10 Volume II, except that—
 - (i) procedures relating to callsigns for domestic use by New Zealand registered aircraft are those required by rule 91.249; and
 - (ii) an aerodrome flight information service ~~shall~~must use the radiotelephony callsign suffix **flight service**.

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(b) The applicant ~~shall~~must establish procedures ~~to~~for ensuring that, for the purposes of paragraph (a), the standard phraseology, and the circumstances in which it is used, is that published in—

- (1) Subpart F; or

- (2) ICAO Annex 10; or
- (3) ICAO Document 4444; or
- (4) ICAO Document 9432.

(c) For the purposes of paragraph (b), where differences occur between the stated documents, the particular phraseology ~~shall~~ **must** be selected according to the order of precedence of the documents as listed.

172.107 ATS Surveillance Service

An applicant for the grant of an air traffic service certificate must establish procedures ~~to~~ **for ensuring** that, where an ATS surveillance system is used to support the provision of an air traffic service—

- (1) all ATS surveillance services are provided in accordance with procedures published in—
 - (i) ICAO Document 4444; or
 - (ii) ICAO Document 7030 (as applicable to the ~~Pacific~~ **Middle-East/Asia** Region); or
 - (iii) Subpart G; and
- (2) SSR code allocation for international flights is in accordance with the code assignment system published in the applicable ICAO Air Navigation Plan; and
- (3) an SSR code management plan is in place for domestic flights that—
 - (i) conforms to the applicable principles contained in ICAO Document 4444; and
 - (ii) does not conflict with the SSR code allocation tables of **rule** 91.247(a); and
- (4) full information is made available to pilots and aircraft operators on—
 - (i) the nature and extent of the ATS surveillance services provided; and
 - (ii) any significant limitations regarding such ATS surveillance services; and
- (5) the information displayed at individual ATS surveillance service operating positions is that required for the air traffic services to be provided.

Part 175 Aeronautical Information Services Organisations - Certification

175.3 Requirement for **eCertificate**

~~No~~ **A** person ~~shall~~ **must not** provide an aeronautical information service for —

- (1) the New Zealand FIR; or
- (2) the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services —

except under the authority of ~~and in accordance with the provisions of~~ an aeronautical information service certificate issued under this Part.

175.5 Application for **eCertificate**

~~Each~~ **An** applicant for the grant of an aeronautical information service certificate ~~shall~~ **must** complete form CAA 24175/01 and submit it to the Director with—

- (1) the exposition required by **rule** 175.69; and
- (2) a payment of the appropriate application fee prescribed by regulations made under the Act.

175.7 Issue of **eCertificate**

An applicant is entitled to a certificate may be issued by the Director under the Act and this Part if the Director is satisfied that—

- (1) the applicant meets the requirements of Subpart B; and
- (2) the applicant, and the applicant's senior person or persons required by rules 175.51(a)(1) and (2) are fit and proper persons; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.

175.9 Privileges of Certificate

The aeronautical information service certificate specifies the aeronautical information services that the certificate holder is authorised to provide.

175.11 Duration of Certificate

- (a) An aeronautical information service certificate may be granted or renewed for a period of up to 5 years.
- (b) An aeronautical information service certificate remains in force until it expires or is suspended or revoked.
- (c) The holder of an aeronautical information service certificate that expires or is revoked shall ~~must~~ forthwith surrender the certificate to the Director.
- (d) The holder of an aeronautical information service certificate that is suspended, shall ~~must~~ forthwith produce the certificate to the Director for appropriate endorsement.

175.13 Renewal of Certificate

- (a) An application for the renewal of an aeronautical information service certificate shall ~~must~~ be made on form CAA 24175/01.
- (b) The application shall ~~must~~ be submitted to the Director before the application renewal date specified on the certificate or, if no such date is specified, not less than 30 days before the certificate expires.

Subpart B — Certification Requirements

175.51 Personnel Requirements

- (a) An applicant for the grant of an aeronautical information service certificate must employ, contract, or otherwise engage—
 - (1) a senior person identified as the chief executive who has the authority within the organisation to ensure that every aeronautical information service listed in the applicant's exposition—
 - (i) can be financed and is provided to meet operational requirements; and
 - (ii) is provided in accordance with the requirements prescribed by this Part; and
 - (2) a senior person or persons ultimately responsible to the chief executive who are responsible for—
 - (i) ensuring that the organisation complies with its exposition; and
 - (ii) the system for safety management required under rule 175.67; and
 - (3) sufficient personnel to collect, collate, check, coordinate, edit, and publish aeronautical information for the aeronautical information services listed in the applicant's exposition.
- (aa) The senior person required by paragraph (a)(2)(ii) must be able to demonstrate competency and experience relevant to the management of safety systems and the activities of the certificate holder.
- (b) The applicant must—

- (1) establish a procedure for initially assessing the competence of personnel authorised by the applicant to check, edit, and publish aeronautical information for the aeronautical information services listed in the exposition; and
- (2) establish a procedure for maintaining the competence of those authorised personnel; and
- (3) provide those authorised personnel with written evidence of the scope of their authorisation.

175.53 Facility Requirements

Each An applicant for the grant of an aeronautical information service certificate shall must establish offices and facilities that —

- (1) are appropriate for the aeronautical information services listed in their the applicant's exposition; and
- (2) meet the applicable requirements of rules 175.103(b) and 175.105.

175.55 Scope of Pre-flight Information Service

Each An applicant for the grant of an aeronautical information service certificate for a pre-flight information service shall must, for the pre-flight services listed in their the applicant's exposition, specify —

- (1) the geographic area; and
- (2) the aerodromes and the air routes originating from those aerodromes.

175.59 Collection of Information

(a) Each An applicant for the grant of an aeronautical information service certificate shall must establish procedures for collecting and collating the information required for the aeronautical information services listed in their the applicant's exposition.

(b) The procedures shall must ensure that —

- (1) applicable information is obtained from organisations that provide services in support of the New Zealand air navigation system; and
- (2) applicable information is obtained from the aeronautical information services of other States relevant to the requirements of international aircraft operators operating —
 - (i) in the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services; and
 - (ii) on international air routes originating from New Zealand; and
- (3) arrangements for the timely provision of information are made with the information originators prescribed in paragraph (b)(1) and (2); and
- (4) information received from the information originators prescribed in paragraph (b)(1) is certified as accurate by a person identified by the originator to be responsible for the accuracy of that information.

(c) The procedures for the NOTAM service shall must, in addition to paragraph (b), ensure that any originator's request for the issue of a NOTAM does not require the NOTAM to be effective for more than 3 months.

175.63 Error Correction in Published Information

(a) ~~Each~~ An applicant for the grant of an aeronautical information service certificate ~~shall~~ **must** establish procedures ~~to~~ for recording, investigating, correcting, and reporting any errors that are detected in the aeronautical information published under the authority of their certificate.

(b) The procedures ~~shall~~ **must** ensure that —

- (1) the error is corrected by the most appropriate means relative to the operational significance of the error; and
- (2) the correction is clearly identified in the republished information; and
- (3) the source of the error is identified and, where possible, eliminated; and
- (4) the Director is notified of a promulgated information incident in accordance with Part 12.

175.101 Continued ~~C~~ Compliance

~~Each~~ A holder of an aeronautical information service certificate ~~shall~~ **must** —

- (1) hold at least one complete and current copy of their exposition at each office listed in ~~their~~ **the certificate holder's** exposition; and
- (2) comply with all procedures and standards detailed in ~~their~~ **the** exposition; and
- (3) make each applicable part of their exposition available to personnel who require those parts to carry out their duties; and
- (4) continue to meet the standards and comply with the requirements of Subpart B prescribed for certification under this Part; and
- (5) notify the Director of any change of address for service, telephone number, or facsimile number required by form CAA 24175/01 within 28 days of the change.

175.107 Pre-flight ~~I~~ Information ~~S~~ Service

(a) A holder of an aeronautical information service certificate for a pre-flight information service must make available to flight operations personnel and flight crew members, aeronautical information that —

- (1) is essential for the safety, regularity and efficiency of air navigation; and
- (2) relates to the geographic area, aerodromes and air routes listed in the certificate holder's exposition.

(b) The aeronautical information provided under paragraph (a) must include, where applicable —

- (1) a summary of current NOTAM and other information of an urgent character, in a plain text PIB; and
- (2) relevant elements of the Integrated Aeronautical Information Package; and
- (3) relevant maps and charts; and
- (4) current information relating to the aerodrome of departure concerning any of the following:
 - (i) construction or maintenance work on or immediately next to the manoeuvring area;
 - (ii) rough portions of any part of the manoeuvring area, whether marked or not, including broken parts of the surface of runways and taxiways;
 - (iii) presence and depth of snow, ice, or water on runways and taxiways, including their effect on surface friction;
 - (iv) snow, drifted or piled on or next to runways or taxiways;

- (v) parked aircraft or other objects on or immediately next to taxiways:
- (vi) the presence of other temporary hazards including those created by birds:
- (vii) failure or irregular operation of part or all of the aerodrome lighting system including approach, threshold, runway, taxiway, and obstruction lights, and manoeuvring area unserviceability lights, and aerodrome power supply:
- (viii) failure, irregular operation or changes in the operational status of air navigation facilities including ILS and markers, PSR, SSR, VOR, NDB, VHF aeromobile channels, RVR observing system, and secondary power supply.

(c) The holder of an aeronautical information service certificate for a pre-flight information service must make provision for flight crew members to report post-flight information at those aerodromes listed in the certificate holder's exposition.

(d) The holder of an aeronautical information service certificate for a pre-flight information service must forward any post-flight information reported by flight crew members under paragraph (c) concerning the state and operation of air navigation facilities, to the operator of the navigation facility.

175.157 Specifications for AIP Supplements

- (a) Each AIP Supplement must be allocated a serial number which must be consecutive and based on the calendar year.
- (b) The AIP Supplement pages must remain part of the AIPNZ while any part of their contents remain valid.
- (c) A checklist of AIP Supplements currently in force must be issued with each AIP Supplement or at intervals of not more than one month.
- (d) The checklist must be given the same distribution as the AIP S-supplement.

Advisory Circular AC

There are no draft advisory circulars associated with this NPRM.

Appendix

Table of Amendments to Civil Aviation (Offences) Regulations

The following amendments are proposed to the Civil Aviation (Offences) Regulations as a consequence of the proposed amendments to Part 91:

Provision	Brief Description	Fines and Fees (\$)			
		Summary Conviction		Infringement Fees	
		Individual	Body Corporate	Individual	Body Corporate
Part 91	General Operating and Flight Rules				
91.205(a)	Responsibility of crew member for being at crew member station and fastening safety belt during take-off and landing.	5,000		2,000	
Part 19	Transition Rules				
19.103	Holder of agricultural aircraft operator certificate must provide statistical returns to Director.	625	3,750	250	1,500