



**WELLINGTON NEW ZEALAND**

**PURSUANT** to Section 28 of the Civil Aviation Act 1990

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

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *10<sup>th</sup>* day of *April* 2006

by **HARRY JAMES DUYNHOVEN**

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', is written over a large, stylized graphic element that resembles a wing or a checkmark, similar to the CAA logo.

Minister for Transport Safety

**Civil Aviation Rules**

**Part 1, Amendment 30**

**Definitions and Abbreviations**

*Docket 2/CAR/1 and Docket 4/CAR/9*

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**Rule objective**

The objective of Amendment 30 to Part 1 is to amend various definitions relating to pilot licencing as a consequence of Amendment 7 to Part 61 (re-issue) Pilot Licences and Ratings and also to introduce a new abbreviation for the New Zealand Aeronautical Information Publication which is a consequential amendment arising from Amendment 3 to Part 93.

**Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 04-02, containing the proposed changes to Part 61 including amendments to definitions in Part 1 was issued for public consultation under Docket 2/CAR/1 on 4 June 2004.

The publication of this NPRM was notified in the Gazette on 3 June 2004 and advertised in the daily newspapers in the five main provincial centres on 5 June 2004. The NPRM was published on the CAA web site and 163 copies were mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal and flight training organisations. A series of nationwide presentations were made to industry to support the NPRM publication and assist people in making submissions. The Part 61 presentations were made at 12 regional aviation training venues and at seven main centre public meetings along with one additional regional public meeting at industry request.

A period of 56 days was allowed for comment on the proposed rule.

The NPRM 04-02 was published for public consultation prior to 1 December 2004 when the Civil Aviation Amendment Act (No.2) 2004 came into force. With no direction having been made by the Minister under section 13(2)(b) of that Act, subsequent development and signing of the rule has been undertaken in accordance with the law as it was in force immediately prior to 1 December 2004.

A Notice of Proposed Rulemaking, NPRM 05-02, containing the proposed changes to Part 93 and the new abbreviation for Part 1 was issued for public consultation under Docket 4/CAR/9 on 14 March 2005.

The publication of this NPRM was notified in the Gazette on 17 March 2005 and advertised in the daily newspapers in the 5 main provincial centres on 19 March 2005, and in local Paraparaumu area newspapers on 21 and 23 March 2005. The NPRM was published on the CAA website and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 36 days was allowed for comment on the proposed rule.

### **Summary of submissions**

Fifty written submissions were received in relation to NPRM 04-02, containing the proposed new and amended definitions for Part 1. Two submissions were received on Part 1 changes. The Royal New Zealand Aero Club accepted the proposal as presented and Gliding New Zealand suggested an amendment to the definition of Glider. The submission and comments of Gliding New Zealand have been considered and as a result the definition of glider is to be amended to include powered gliders. This amendment of the glider definition is included in the Omnibus Rule Project.

No written submissions or oral comments were received in relation to NPRM 05-02, containing the proposed new abbreviation for Part 1. As a result no changes have been made to this proposed rule.

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

### **New Zealand Transport Strategy**

The development of the NPRM 05-02, containing the proposed changes to Part 93 takes into account the objectives of the New Zealand Transport Strategy (NZTS) and the provisions of the Civil Aviation Amendment Act (No 2) 2004.

Amendment 30 to Part 1 has been assessed as follows against the NZTS:

**Assisting Economic Development**—The rule amendment is unlikely to affect economic development:

**Assisting safety and personal security**—The rule amendment is unlikely to affect safety and personal security issues:

**Improving access and mobility**—The rule amendment is unlikely to affect access and mobility issues:

**Protecting and promoting public health**—The rule amendment is unlikely to affect public health:

**Ensuring environmental sustainability**—The rule amendments are unlikely to affect environmental sustainability.

### **Examination of submissions**

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

### **Insertion of Amendments**

The amendments to the rules in this Part are reflected by the revocation and substitution of some existing definitions, and the insertion of some new definitions and the insertion of a new abbreviation.

### **Effective date of rule**

Amendment 30 to Part 1 comes into force on 11 May 2006.

### **Availability of rules**

Civil Aviation Rules are available from—

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

Freephone: 0800 GET RULES (0800 438 785)

## Part 1 Definitions and Abbreviations

### 1.1 General definitions

*The definition of Aircraft category and category of aircraft is revoked and the following new definition is substituted:*

**Aircraft category and category of aircraft** means any one of the following classes of aircraft: aeroplane, balloon, glider, hang glider, helicopter, or microlight:

*The following new definition of Appropriate is inserted after the definition of approach control service:*

**Appropriate**, in relation to a pilot licence or rating, means applicable to the same category of aircraft:

*The definition of Flight examiner is revoked and the following new definition is substituted:*

**Flight examiner** means a person who holds a flight examiner rating issued in accordance with Part 61 or is approved by the Director to conduct specific flight tests:

*The following new definition of Flight instructor is inserted after the definition of flight instruction:*

**Flight instructor** means a person who holds a flight instructor rating issued in accordance with Part 61 or is approved by the Director to provide flight instruction:

*The following new definition of Multi-pilot aircraft is inserted after the definition of movement area:*

**Multi-pilot aircraft** means an aircraft other than a single-pilot aircraft:

*The following new definition of Single-pilot aircraft is inserted after the definition of SIGMET information:*

**Single-pilot aircraft** means an aircraft that is authorised in its flight manual to be operated with a minimum flight crew of 1 pilot for the type of flight:

### **1.3 Abbreviations**

*The following new abbreviation is inserted after the abbreviation AIP:*

**AIPNZ** means New Zealand Aeronautical Information Publication:

## Consultation Details

(This statement does not form part of the rules contained in Part 1. It provides details of the consultation undertaken in making the rules.)

### Comments arising from the NPRMs

#### **NPRM 04-02 – Part 61**

The consultation details relating to the new and amended definitions in amendment 30 to Part 1 are consequential to amendment 7 to Part 61 (re-issue). The rule amendment was developed under docket 2/CAR/1 and published as NPRM 04-02. Fifty written submissions were received on the NPRM and two commented on the proposed amendments to Part 1.

The RNZAC submits they accept this proposal as presented.

Gliding New Zealand submits that the definition for terms Glider and Powered Glider are not used consistently in this NPRM and the Rules in general. Powered Gliders in some sections are included with the Glider definition and excluded in others e.g. Part 104 has a definition for Glider that includes Powered Gliders. This inconsistency could result in the misinterpretation of what applies to Powered Gliders and what does not. Either several clauses in the NPRM should include the term Powered Glider or the convention used in CARs 1, 91 and 104 should be applied to this NPRM. If Glider and Powered Glider are used then CAR 1, 91 and 104 will require subsequent amendment.

**CAA Comment:** *The CAA agrees and the definition of glider will be amended in the Omnibus Rule Project.*

The full consultation details relating to docket 2/CAR/1 and the new and amended definitions are contained in the consultation details associated with amendment 7 to Part 61. The comments and all background material used in developing the rules are held on the docket and are available for public inspection at Aviation House, 10 Hutt Road Petone. Persons wishing to view the docket should contact the Docket Clerk on Phone 64-4-560-9603 and ask for docket 2/CAR/1.

#### **NPRM 05-02 – Part 93**

The consultation detail relating to the new abbreviation AIPNZ in amendment 30 to Part 1 is contained in the consultation details of



amendment 3 to Part 93. The comments and all background material used in developing the rules are held on the docket and are available for public inspection at Aviation House, 10 Hutt Road Petone.

Persons wishing to view the docket relating to the new AIPNZ abbreviation should contact the Docket Clerk on Phone 64-4-560-9603 and ask for docket 4/CAR/9.