



PURSUANT to Section 30 of the Civil Aviation Act 1990

I, **STEVEN JOYCE**, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This ^{11th} day of ^{October} 2011

by **STEVEN JOYCE**

A large, stylized handwritten signature in black ink, consisting of several sweeping strokes, is written over the printed name 'STEVEN JOYCE' and extends upwards and to the right.

Minister of Transport

Civil Aviation Rules

Part 1, Amendment 44

Definitions and Abbreviations

Docket 5/CAR/1

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Rule objective

The objective of amendment 44 to Part 1 is to update the definition and abbreviation rules as a consequence to the introduction of the new Part 115 adventure aviation rules.

Extent of consultation

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

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

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

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

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

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

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

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

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

Summary of submissions

A total of 33 written submissions were received on the NPRM. The submissions were considered and as a result the following change was made:

- Rule 1.1 – Amended the definition of adventure aviation for aircraft issued with a *special category* airworthiness certificate to include “formation flight, aerobatic manoeuvres, and similar non-standard flight manoeuvres such as steep climbs, steep descents, and steep turns”.

Examination of submissions

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

Insertion of Amendments

The amendments to the rules are reflected by the revocation of 1 existing rule and the insertion of a new rule in its place.

Effective date of rule

Amendment 44 to Part 1 comes into force on 10 November 2011.

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

Part 1 Definitions and Abbreviations

1.1 General definitions

The following new definition of adventure aviation operation is inserted after the definition of adequate aerodrome:

Adventure aviation operation means the following operations for the carriage of passengers by air for hire or reward where the object of the operation is for the passenger's recreational experience of participating in the flight, or engaging in the aerial operation—

- (1) an A to A flight in an aeroplane or helicopter issued with a *standard category* airworthiness certificate conducting formation flight, aerobatic manoeuvres, and similar non-standard flight manoeuvres such as steep climbs, steep descents, and steep turns:
- (2) an A to A flight (including an interim water landing for amphibious aircraft) in an aircraft issued with an appropriate *special category-primary, special category-LSA, or special category-limited* airworthiness certificate including formation flight, aerobatic manoeuvres, and similar non-standard flight manoeuvres such as steep climbs, steep descents, and steep turns:
- (3) an A to A flight in a Class 2 microlight aircraft:
- (4) a flight in a hot air balloon:
- (5) a flight in a glider:
- (6) a parachute-drop aircraft operation that is not conducted under the authority of an air operator certificate issued by the Director under the Act and Part 119:
- (7) a tandem parachute descent operation:
- (8) a tandem hang glider or paraglider flight:

The definition of air transport operation is revoked and replaced by the following definition:

Air transport operation means an operation for the carriage of passengers or goods by air for hire or reward except—

- (1) a commercial transport operation:
- (2) an adventure aviation operation:
- (3) a helicopter external load operation under Part 133:
- (4) an agricultural aircraft operation under Part 137:
- (5) a trial flight.

The definition of commercial transport operation is revoked and replaced by the following definition:

Commercial transport operation means an operation for the carriage of passengers or goods by air for hire or reward—

- (1) where—
 - (i) each passenger is performing, or undergoing training to perform, a task or duty on the operation; or
 - (ii) the passengers or goods are carried to or from a remote aerodrome—
- (2) except those operations in paragraph (1) that are—
 - (i) a helicopter external load operation conducted under Part 133; or
 - (ii) an agricultural aircraft operation conducted under Part 137:

Consultation Details

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

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

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