



**WELLINGTON NEW ZEALAND**

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

**I, JENNIFER MARY SHIPLEY, Minister of Transport,**

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *17<sup>th</sup>* day of *February* 1997

by **JENNIFER MARY SHIPLEY**

Minister of Transport

**Civil Aviation Rules**

**Part 19**

**Transition Rules**

***Docket Nr. 1216***

**Civil Aviation Rules**  
**Part 19**

**Transition Rules**

## **RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT**

The objective of Part 19 is to introduce rules to ensure a smooth transition from the Civil Aviation Regulations 1953 and the Civil Aviation (Security) Regulations 1989 to the Civil Aviation Rules system on 31 March 1997.

In May 1990 the Air Transport Division of the Ministry of Transport published a notice of intention to carry out a complete review of the aviation regulatory system. This notice, in Civil Aviation Information Circular Air 3, listed the areas in which rules would be made and invited interested parties to register their wish to be part of the consultative process. The Register was identified as the Regulatory Review Consultative Group.

A Notice of Proposed Rulemaking for Part 19 was developed by the rules rewrite team. This culminated in the issue of Notice of Proposed Rulemaking 96-14 under Docket 1216 on 9 December 1996.

The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 12 December 1996. The notice was mailed to members of the Regulatory Review Consultative Group and to other parties, including overseas Aviation Authorities and organisations, who were considered likely to have an interest in the proposal.

A period of 30 days was allowed for comment on the proposed rule. Seventeen written submissions were received.

The submissions and verbal comments were considered and where appropriate the proposed rules amended to take account of the comments made.

The rules as amended were then referred to and signed by the Minister of Transport.

Part 19 comes into force on 1 April 1997.



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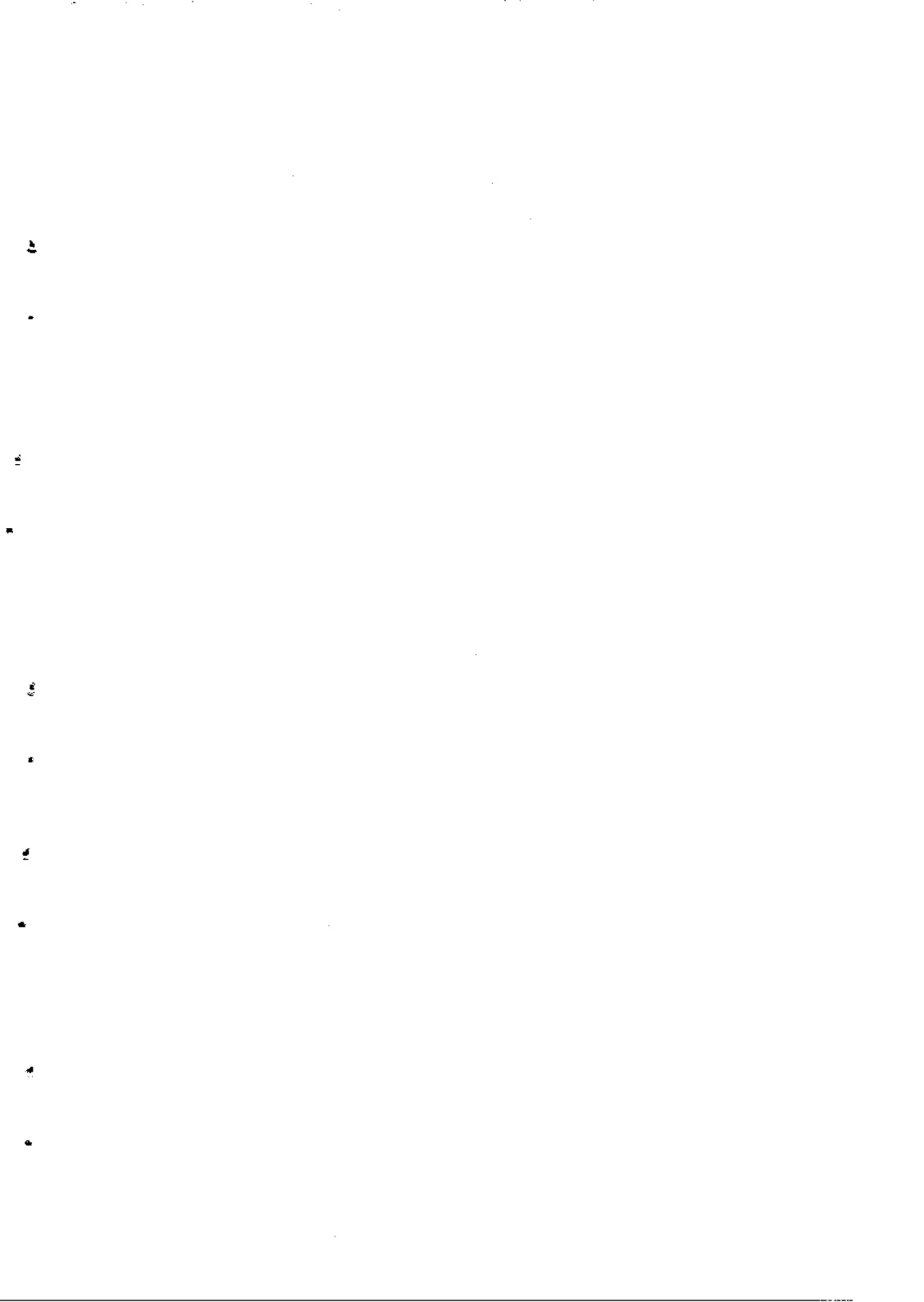
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## PART 19 – TRANSITION RULES

### Subpart A – General

#### 19.1 *Definitions*

In this Part, unless the context otherwise requires—

**Airport identity card** means an airport identity card issued or approved under this Part:

**Operational area** means any area at an aerodrome where aircraft move or are manoeuvred; and includes any area where operational facilities are located or that is designated by signs as an operational area:

**Pilotless aircraft** means an aircraft, other than a balloon or kite, designed to fly unmanned with a gross mass greater than 25 kg:

**Release note** means a document that provides evidence that aeronautical products supplied conform to airworthiness standards acceptable to the Director by enabling the products to be traced back through stages of manufacture, distribution, and maintenance:

**Security control** means measures by which the introduction of weapons or articles likely to be utilised to commit an act of unlawful interference can be prevented:

**Standard part** means an aeronautical product that conforms to an aeronautical specification published by a standard setting organisation, including design, material, manufacture, and identification requirements detailed in one of the following series:

- (1) Air Force-Navy Aeronautical Standard (AN):
- (2) American National Standards Institute (ANSI):
- (3) Australian Standards (AS):
- (4) British Standards, Aircraft Series (BS):
- (5) Military Standards (MS):
- (6) Military Specifications (MIL-SPEC):
- (7) National Aerospace Standards (NAS):
- (8) New Zealand Standards (NZS):
- (9) SAE Aerospace Standard (AS):

(10) Society of Automotive Engineers (SAE).

### **19.3 Units of measure**

(a) Subject to paragraph (b), the units of measure used for aeronautical purposes in New Zealand are those specified in the International System of Units as adopted in Annex 5 to the Convention.

(b) Non International System Units adopted by Annex 5 are used in accordance with the following table in New Zealand:

distance	nautical miles
altitude, elevations, and heights	feet
visibility	kilometres or metres
speed, including wind speed	knots
vertical speed	feet per minute

### **19.5 Civil aviation ensign**

(a) The design and colours of the New Zealand Civil Air Ensign shall be those specified in Appendix A.

(b) The New Zealand Civil Air Ensign may be flown—

- (1) by the Civil Aviation Authority of New Zealand on its buildings and aircraft; or
- (2) on any New Zealand registered aircraft; or
- (3) at any aerodrome; or
- (4) by an airline owning a New Zealand registered aircraft upon or in proximity to any building occupied by the airline as its principal office or place of business; or
- (5) by any person to whom permission in writing is granted for the purpose by the Director at such places and subject to such conditions as may be specified.

(c) Except as provided in this rule, no person shall fly the New Zealand Civil Air Ensign on any aircraft or on any ship, or boat, or on any building, or elsewhere in New Zealand.

### **19.7 Intoxicating liquor and drugs**

(a) No crew member while acting in his or her official capacity shall be in a state of intoxication or in a state of health in which his or her capacity so to act

would be impaired by reason of his or her having consumed or used any intoxicant, sedative, narcotic, or stimulant drug or preparation.

(b) No person who is obviously under the influence of intoxicating liquor, or narcotics, or drugs, except a medical patient under proper care, shall enter or be carried in any aircraft.

### **19.9 Control of access**

Any person authorised in accordance with section 24 of the Act may control or prohibit access to any area or place where the Director considers such action necessary for the purposes of carrying out the functions of the Director under the Act.

### **19.11 Transfer of aviation documents**

(a) An aviation document shall not be transferable.

(b) An aviation document that has been transferred shall confer no privileges on the person to whom it is transferred.

### **19.13 Amendment of certificates, approvals, and manuals**

The Director may, at any time by notice in writing to—

- (1) any holder of an air service certificate granted under regulation 136 of the Civil Aviation Regulations 1953; or
- (2) any holder of an aerial work certificate granted under regulation 136A of the Civil Aviation Regulations 1953; or
- (3) any holder of an airways service certificate granted under regulation 149A of the Civil Aviation Regulations 1953; or
- (4) any holder of a certificate of approval granted under regulation 191 of the Civil Aviation Regulations 1953—

require additional information to be supplied in relation to the operation to which the certificate relates and may, in like manner, amend any conditions to which the certificate is subject or may add further conditions thereto.

### **19.15 Operation within New Zealand of foreign aircraft**

(a) Subject to the provisions of paragraph (b), no foreign registered aircraft shall be operated within New Zealand for hire or reward, other than on an air transport operation, except with the approval of the Director who may impose such conditions and limitations on the operation of the aircraft as the Director considers necessary in the interests of aviation safety.

(b) The holder of an approval issued under paragraph (a) shall comply with any conditions or limitations imposed on the approval.

(c) Nothing in this rule shall apply to an aircraft engaged in an international scheduled or international non-scheduled flight.

#### **19.17 Airways services certificates**

No person shall provide any airways service except under the authority of, and in accordance with, the provisions of an airways service certificate issued by the Director that is current on 1 April 1997.

### **Subpart B – General Operating Rules**

#### **19.101 Daily flight records**

(a) Each person who operates an aircraft shall keep daily flight records in accordance with this rule.

(b) Each daily record shall contain for each flight—

- (1) the date of the flight; and
- (2) the name of the operator; and
- (3) the name of the pilot-in-command; and
- (4) the registration markings of the aircraft; and
- (5) the name of the departure aerodrome; and
- (6) the total flight time.

(c) Each daily flight record shall be retained by the operator for a period of not less than 6 months after the date of the record.

#### **19.103 Agricultural operators – statistical returns**

(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
- (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

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

#### **19.105 Pilotless aircraft**

(a) No person shall operate a pilotless aircraft except with the authorisation in writing of the Director and in accordance with such conditions as may be specified in the authorisation.

(b) The Director may, upon application in writing, authorise the operation of pilotless aircraft and impose such conditions on the operator as the Director thinks necessary in the interests of safety.

#### **19.107 Offshore helicopter operations**

(a) Except as provided in paragraph (b), each person who operates a helicopter under VFR by day carrying passengers for hire or reward over water beyond autorotation distance from land shall ensure the helicopter is operated in such a way that, following the failure of an engine at any stage in flight, the flight is capable of continuing, maintaining 1000 ft terrain clearance, to a suitable area in accordance with that helicopter's flight manual requirements for a one engine inoperative landing.

(b) When operated under IFR or by night, a helicopter carrying passengers for hire or reward over water beyond a distance of 5 nm from an aerodrome shall be operated in such a way that, following the failure of an engine at any stage in flight, the helicopter is capable of maintaining a climb gradient of not less than one percent at the lowest en route safe altitude.

## Subpart C – IFR Operations: Aerodrome Meteorological Minima and Minimum Altitudes

### 19.151 Aerodrome meteorological minima – IFR operations

(a) The IFR straight-in and circling to land minima for specified aerodromes, including specially authorised minima, are those as they were prescribed in Civil Aviation Safety Order 1, Appendices 2 to 5, and on instrument approach charts (IAC), on 31 March 1997.

(b) The landing minima for specified aerodromes are described in terms of either the following Aircraft Category or the following Approach Classification:

(1) **Aircraft Category:** International Civil Aviation Organisation (ICAO) Procedures for Air Navigation Services - Aircraft Operations Volumes I and II (PANS-OPS I and II) specify minima in accordance with five aircraft categories. The categories relate to approach speed ranges measured in terms of  $1.3V_S$ , where  $V_S$  is the aircraft stalling speed in the landing configuration at maximum certificated landing weight. Aircraft categories are as follows:

Category	$1.3V_S$ in Knots IAS
A	Less than 91
B	91 to 120
C	121 to 140
D	141 to 165
E	166 to 210.

(2) **Approach Classification:** Instrument approach procedures which have not yet been evaluated to PANS-OPS criteria specify minima in accordance with Approach Classification. Classes relate to approach speed ranges measured in terms of  $1.3V_S$  in the same way as PANS-OPS but speed ranges differ as shown:

Class	$1.3V_S$ in Knots IAS
1	Up to 100
2	101 to 130
3	131 to 160

**19.153 IFR procedures**

The minimum flight altitudes, instrument approach procedures in relation to the use of any aerodrome, and missed-approach procedures in relation to the use of any aerodrome that are specified in the NZAIP at the time this rule comes into force shall continue in force.

**19.155 Aerodrome meteorological minima and IFR procedures**

(a) Notwithstanding 19.151, the Director may from time to time prescribe meteorological minima for take-off and landing at aerodromes and publish such minima in the NZAIP. Such minima shall be subject to such conditions or requirements as are from time to time prescribed by the Director.

(b) Notwithstanding 19.153, the Director may from time to time prescribe the conditions and procedures under which aircraft operating under instrument flight rules may be flown and publish such conditions and procedures in the NZAIP.

(c) Notwithstanding 19.153, the Director may from time to time prescribe instrument approach procedures and missed-approach procedures in relation to the use of any aerodrome and publish such procedures in the NZAIP.

**Subpart D – IFR Operations: GNSS****19.201 Applicability**

(a) This Subpart prescribes the conditions and requirements for the use of GNSS equipment under IFR.

(b) The conditions and procedures contained in this Subpart are additional to any other requirements specified in this rule, or other applicable CAR.

**19.203 Glossary**

The following are explanations of terms relevant to this Subpart:

**GPS database:** an electronic memory containing information on airports, navigation aids reporting points, Standard Instrument Departures, Standard Instrument Arrivals, instrument approaches, special use airspace and other items of value to the pilot:

**GLONASS:** Russian segment of GNSS:

**GNSS:** Global Navigation Satellite System:

**GPS:** Global Positioning System:

**GPS sensor:** a single GPS unit used for navigation within a Flight Management System:

**NANU:** Notice Advisory to NAVSTAR User (GPS Notam):

**Primary-means navigation system:** a navigation system approved for a given operation or phase of flight that must meet accuracy and integrity requirements, but need not meet full availability and continuity of service requirements. Safety is achieved by limiting flights to specific time periods, and through appropriate procedural restrictions:

**RAIM (receiver autonomous integrity monitoring):** a function whereby the airborne GPS receiver/processor detects a position error that exceeds the GPS position integrity performance requirements of the TSO for that phase of flight. It gives a visual and/or aural warning when appropriate:

**RAIM Warning (RAIM not available message):** a warning that the integrity of the navigation position solution from GPS satellites may be unreliable:

**Sole-means navigation system:** a navigation system approved for a given operation or phase of flight that must allow the aircraft to meet, for that operation or phase of flight, all four navigation system performance requirements: accuracy, integrity, availability, and continuity of service:

**Supplemental means navigation system:** A navigation system that must be used in conjunction with a sole means navigation system.

#### **19.205 Pilot qualification**

(a) A pilot-in-command shall not carry out an instrument approach procedure under IFR using a GPS receiver unless they have had certified in their pilot's logbook by a flight examiner that they have satisfactorily demonstrated competency in the use of that make and model of GPS receiver, including any flight management system used for a GPS instrument approach.

(b) A flight examiner shall endorse a pilot's log book for a make and model of GPS receiver or flight management system if the pilot has satisfactorily completed a flight test demonstrating that pilot's knowledge and competency, to a standard acceptable to the Director, using that GPS receiver or flight management system.

#### **19.207 Primary means GPS operations**

Each person operating an aircraft under IFR using GPS equipment as a primary means navigation system shall—

(1) ensure that—

- (i) the GPS equipment is approved to Level 1 on form CAA 2129; and



- (ii) the aircraft's form **CAA 2129** has been endorsed, approving the GPS equipment for use on the intended IFR operation as a primary means navigation system; and
- (2) operate the GPS equipment in accordance with the aircraft flight manual or aircraft flight manual supplement; and
- (3) ensure, if the aircraft is operating within the New Zealand flight information region, that the aircraft is equipped—
  - (i) for air transport operations, with at least 2 operable sole means navigation systems other than GPS receivers. The sole means navigation systems must be appropriate for the route being flown; and
  - (ii) for operations other than air transport operations, with at least 1 operable sole means navigation system other than GPS receiver. The sole means navigation system must be appropriate for the route being flown; and
- (4) if intending to use a GPS based instrument approach procedure, obtain a RAIM prediction prior to departure for the expected time of arrival at the destination—
  - (i) using the onboard GPS receiver; or
  - (ii) from the holder of an air traffic service organisation certificate issued under Part 172; and
- (5) ensure that en-route and terminal navigation is conducted—
  - (i) using a GPS database containing data that is current with respect to the current en-route and area charts applicable to the route being flown; and
  - (ii) by cross checking each GPS database selected track and distance between reporting points, for accuracy and reasonableness by reference to current en-route and area charts; and
- (6) ensure all GPS instrument approaches are accomplished in accordance with approved instrument approach procedures using a GPS database containing data that is current with respect to the current published Instrument Approach Chart for the approach procedure being flown; and
- (7) if, when operating in the en-route phase, a RAIM warning has been displayed for more than ten minutes, or the GPS equipment has operated in the DR mode for more than one minute—

- (i) advise the appropriate controlling ATC service; and
  - (ii) verify the aircraft position every 10 minutes using another IFR-approved navigation system; and
- (8) not commence an instrument approach while a RAIM warning is displayed; and
- (9) if an alternate aerodrome is required by 91.405, ensure that—
  - (i) the alternate is served by a fully operational radio navigation aid with a promulgated instrument approach procedure based on other than GPS navigation; and
  - (ii) the aircraft is equipped with navigation equipment capable of using that radio navigation aid.

### **19.209 Sole means GPS operations**

(a) A person shall not operate an aircraft under IFR using a sole means navigation system, which uses only GPS sensors, within the New Zealand Flight Information Region.

(b) Each person operating a New Zealand registered aircraft under IFR using a sole means navigation system which uses only GPS sensors, in the Auckland Oceanic Flight Information Region, shall—

- (1) ensure that—
  - (i) the GPS equipment is approved to Level 1 on form CAA 2129; and
  - (ii) the aircraft's form CAA 2129 has been endorsed, approving the GPS equipment for use on the intended IFR operation as a sole means navigation system; and
- (2) operate the GPS equipment in accordance with the aircraft flight manual or aircraft flight manual supplement; and
- (3) ensure that en-route navigation is conducted—
  - (i) using a GPS database containing data that is current with respect to the current published en-route and area charts applicable to the route being flown; and
  - (ii) by cross checking each GPS database selected track and distance between reporting points used for accuracy and reasonableness by reference to current en-route charts; and

- (4) if a RAIM warning has been displayed for more than ten minutes, or the GPS equipment has operated in the DR mode for more than one minute advise the appropriate controlling ATC service.

#### **19.211 Supplemental means GPS operations**

(a) No person shall operate an aircraft using a GPS receiver that does not comply with the requirements of paragraph 19.207(1) or 19.209(1) for navigation under IFR.

(b) When operating under IFR, a person may only use a GPS receiver that does not comply with the requirements of paragraph 19.207(1) or 19.209(1) for providing supplementary information.

#### **19.213 GPS derived distance information**

(a) A pilot-in-command of an aircraft operating under IFR using GPS equipment as a primary means navigation system or sole means navigation system shall not provide GPS derived distance information if RAIM is currently unavailable and has been unavailable for the preceding 10 minutes.

(b) The pilot shall, when providing distance information that is GPS derived, state the distance as a *GPS Distance* relative to a specified reference point that is contained in the GPS database.

(c) A pilot shall not use GPS derived distance information on an ILS/DME or LLZ/DME instrument approach procedure.

#### **19.215 Minimum flight altitudes**

Notwithstanding the minimum flight altitudes promulgated under this Part, the minimum flight altitudes for an aircraft operating under IFR using GPS equipment as a primary means navigation system or sole means navigation system shall be—

- (1) those assigned by an air traffic control clearance; or
- (2) for published routes shown on ERC, AREA charts, or in the table of evaluated but not charted routes contained in the Instrument Flight Guide, the lowest altitude appropriate to the IFR table of cruising levels that is—
  - (i) at or above the route minimum safe altitude (MSA); and
  - (ii) at or above a limiting minimum crossing altitude; and
  - (iii) at or above volcanic, danger, or restricted area upper limit.

**19.217 Flight on unevaluated routes**

(a) Subject to paragraph (b), a pilot-in-command of an aircraft operating within the New Zealand flight information region under IFR using GPS equipment as a primary means navigation system is permitted random flight routing if operating—

- (1) within the area of a circle 20 nm radius centred on 43°36'S 170°09'E (Mount Cook), at or above Flight Level 160; or
- (2) in any other airspace, at or above Flight Level 130.

(b) A pilot-in-command of an aircraft is only permitted random flight routing within controlled airspace if authorised by ATC.

(c) A pilot-in-command of an aircraft operating under IFR using GPS equipment as a primary means navigation system is permitted random flight routing below Flight Level 130 if—

- (1) authorised by ATC; and
- (2) ATC continuously radar monitor the flight for adequate terrain clearance.

**19.219 Flight plans**

(a) A pilot-in-command shall only operate an aircraft under IFR using GPS equipment as a primary means navigation system or sole means navigation system if the letter "G" is inserted in the block item 10 on the ICAO flight plan form (MOT/AC 1565).

(b) No person shall enter the letter "G" in the block item 10 on the ICAO flight plan form (MOT/AC 1565) unless the requirements of this Subpart are complied with.

**Subpart E – Airspace****19.251 Transponder mandatory airspace**

The following areas of airspace (as defined in 19.253) are designated transponder mandatory airspace and are deemed to comply with the requirements in 19.255:

- (1) Whenuapai CTR/D:
- (2) Auckland UTA/C, CTA/E except that portion east of a line 10 nm east of the Whakatane-Taupo track, TMA/C, and CTR/C:
- (3) Hamilton TMA/D:

- (4) Rotorua TMA/D:
- (5) Ohakea UTA/C, CTA/E, TMA/C, and CTR/C:
- (6) Wellington CTA/D, TMA/C, and CTR/C:
- (7) Nelson TMA/D:
- (8) Christchurch UTA/C except those portions west of Queenstown, between Queenstown and Dunedin, and between Queenstown and St Mary, UTA/D, CTA/E, TMA/C, and CTR/C:
- (9) Christchurch CTA/E except that portion south of a line 10 nm south of the Mount Mary-Oamaru track.

**19.253 Designated airspace and reporting points**

(a) The lateral and vertical dimensions of the following airspace within the New Zealand FIR and the Auckland Oceanic FIR are those as they were defined in Civil Aviation Safety Order 1, section 9, annexes A to M, on 31 March 1997 and are deemed to comply with the requirements of 19.255:

- (1) flight information regions (FIR) and sectors;
- (2) QNH areas and zones;
- (3) oceanic control areas (OCA);
- (4) upper control areas (UTA);
- (5) control areas (CTA);
- (6) terminal control areas (TMA);
- (7) control zones (CTR);
- (8) aerodrome traffic zones (ATZ);
- (9) VFR transit (Victor) lanes and helicopter (Kopter) lanes;
- (10) (Reserved);
- (11) oceanic reporting points;
- (12) domestic reporting points; and
- (13) visual reporting points.

(b) The lateral and vertical dimensions of danger and restricted areas are those as they were defined in Civil Aviation Safety Order 1, section 9, annexes N and O, on 31 March 1997. These areas are deemed to comply with the requirements of 19.257.

(c) Authority to approve or deny entry by any aircraft into a restricted area is vested in the controlling authority as prescribed in Civil Aviation Safety Order 1, section 9, annex O, on 31 March 1997.

(d) The lateral dimensions of military and civil low flying areas within the New Zealand FIR and the operators responsible for their operation are those as they were defined in Civil Aviation Safety Order 1, section 9, annex P, on 31 March 1997. These areas are deemed to comply with the requirements of 19.255. Vertical dimensions of all areas are from 200 ft AGL to 500 ft AGL. In addition to operations by the listed operators, low flying operations may be carried out in any civil low flying area by any operator, provided operations are carried out in accordance with Part 91, Subpart D. In addition, the pilot-in-command is to advise the listed operator and be briefed on local operating procedures before entering the area.

(e) The lateral and vertical dimensions of glider flying areas are those as they were defined in Civil Aviation Safety Order 1, section 9, annex R, on 31 March 1997. These areas are deemed to comply with the requirements of 19.257.

(f) The lateral and vertical dimensions of parachute drop zones are those as they were defined in Civil Aviation Safety Order 1, section 9, annex S, on 31 March 1997. These areas are deemed to comply with the requirements of 19.257.

### **19.255 Designation of airspace**

(a) For the purposes of ensuring the safety of aircraft and of facilitating air navigation, the Director may, following such consultation as the Director considers necessary in the circumstances, from time to time, by notification in the Gazette, prescribe aerodrome traffic zones, control zones, airways, control areas, terminal control areas, upper control areas, low flying areas, low level routes, training areas, transponder mandatory airspace, glider flying areas, parachute dropping zones, flight information regions, and designated reporting points and may, by notification in the Gazette, prescribe any special procedures and conditions relating thereto.

(b) Notwithstanding paragraph (a), the Director may prescribe the airspace specified in paragraph (a) for a temporary period, not exceeding 30 days, by notice in any publication that the Director considers appropriate in the circumstances.

### **19.257 Prohibited, restricted, and danger areas**

(a) The Director may, following such consultation as the Director considers necessary in the circumstances, from time to time prescribe any area or areas of New Zealand territory to be a prohibited area, a restricted area, or a danger area

for the purposes of controlling air traffic, ensuring the safety of air navigation, and facilitating the control of aircraft operations.

(b) Any area prescribed as a prohibited, restricted, or danger area under paragraph (a) of this rule may be prescribed without limitation as to time or may be prescribed for such period as the Director may limit in that behalf.

(c) The Director shall not under this rule:

- (1) declare an area to be a prohibited area unless he is advised by the Minister for reasons of military necessity or national security or the public interest to prohibit the flight of aircraft within the area; or
- (2) declare an area to be a restricted area unless he is satisfied that it is necessary in the interests of the safety of air navigation or in the public interest to permit the flight of aircraft within the area only in accordance with such conditions and at such times as he may prescribe; or
- (3) declare an area to be a danger area unless he is satisfied there exists or is likely to exist in the area prescribed, danger or potential danger to aircraft flying in the area.

(d) In prescribing a restricted area under this rule, the Director shall prescribe the conditions under which aircraft may be permitted to fly within the area and he may authorise any conditions so prescribed to be varied by an appropriate air traffic control unit in circumstances which render it impracticable for him to be consulted.

(e) In prescribing a danger area under this rule, the Director shall give sufficient information as to the potential danger to aircraft so that the pilot-in-command or an aircraft likely to be affected may be in a position to assess the danger in relation to his responsibility for the safety of his aircraft.

(f) In prescribing a prohibited, restricted, or danger area, under this rule, the Director shall give notice of his action in the appropriate publication as he may deem necessary in the circumstances.

## **Subpart F – Supply Organisation Approvals**

### **19.301 *Applicability***

This Subpart prescribes rules governing the approval of supply organisations.

### **19.303 *Requirement for certificate***

No person shall issue a release note for—

- (1) an aeronautical product broken from a batch of aeronautical products conforming to airworthiness standards acceptable to the Director; or
- (2) an aeronautical product whose design requires it to be held under specially controlled storage conditions to ensure that the product continues to conform to airworthiness standards acceptable to the Director; or
- (3) an aeronautical product that, in the absence of documentation specified in 19.321(a)(3)(i), requires inspection or testing to determine its conformity to airworthiness standards acceptable to the Director—

unless that person is the holder of a certificate of approval for supply issued under this Subpart.

### **19.305 Application for approval**

Each applicant for the grant of a certificate of approval for supply shall—

- (1) complete form CAA 24019/01 which shall require—
  - (i) the name and address for service in New Zealand of the applicant; and
  - (ii) such further particulars relating to the applicant as may be required by the Director as indicated on the form; and
- (2) submit the completed form to the Director with—
  - (i) the exposition required by 19.325; and
  - (ii) a payment of the appropriate application fee prescribed by regulations made under the Act.

### **91.307 Issue of approval**

- (a) An applicant is entitled to a certificate of approval for supply if—
  - (1) the applicant meets the applicable certification requirements in 19.317 to 19.325 inclusive; and
  - (2) the applicant, and the applicant's senior person or persons required by 19.317 are fit and proper persons; and
  - (3) the granting of the certificate is not contrary to the interests of aviation safety.



**19.309 Privileges and limitations**

(a) A certificate of approval for supply specifies one or more of the following supply ratings for which the certificate is issued:

- (1) S1 for the issue of release notes for aircraft parts:
- (2) S2 for the issue of release notes for materials:
- (3) S3 for the issue of release notes for fluids.

(b) The holder of a certificate of approval for supply may supply any aeronautical product authorised by the supply rating specified on the certificate.

**19.311 Duration of certificate**

(a) A certificate of approval for supply may be granted or renewed for a period of up to five years.

(b) A certificate of approval for supply remains in force until it expires or is suspended or revoked by the Director.

(c) The holder of a certificate of approval for supply that expires or is revoked shall forthwith surrender the certificate to the Director.

(d) The holder of a certificate of approval for supply that is suspended, shall forthwith produce the certificate to the Director for appropriate endorsement.

**19.313 Renewal of certificate**

(a) An application for the renewal of a certificate of approval for supply shall be made by the holder of a certificate of approval for supply on form CAA 24019/01.

(b) The application shall be submitted to the Director by the application renewal date specified on the certificate or, if no such date is specified, not less than 30 days before the certificate expires.

**19.315 Overseas application**

An application for a certificate from a person located outside of New Zealand may only be considered for approval if the Director is satisfied that there is a need for the certificate.

**19.317 Personnel requirements**

(a) Each applicant for the grant of a certificate of approval for supply shall engage, employ, or contract:

- (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that all

activities undertaken by the organisation can be financed and carried out in accordance with the requirements prescribed by this Subpart:

- (2) a senior person or group of senior persons who are responsible for ensuring that the applicant's organisation complies with the requirements of this Subpart. Such nominated person or persons shall be ultimately responsible to the Chief Executive for the following functions:
    - (i) aeronautical product acceptance;
    - (ii) inspection and testing;
    - (iii) dispatch of aeronautical products and issue of the associated release notes;
    - (iv) compliance with the terms and conditions of the certificate and the organisation's exposition; and
  - (3) sufficient personnel to plan, perform, supervise, inspect, and certify the supply activities listed in the applicant's exposition.
- (b) The applicant shall—
- (1) establish a procedure to initially assess, and a procedure for maintaining, the competence of those personnel involved in planning, performing, supervising, inspecting, or certifying the supply activities performed by the applicant's organisation; and
  - (2) provide those personnel with written evidence of the scope of their authorisation.

### **19.319 Facility requirements**

(a) Each applicant for the grant of a certificate of approval for supply shall provide facilities appropriate for all supply activities performed by the applicant's organisation including—

- (1) office accommodation for the administration of its supply activities; and
  - (2) inspection and testing facilities; and
  - (3) acceptance and dispatch facilities; and
  - (4) storage facilities.
- (b) The applicant shall ensure that the environment it provides is appropriate for the tasks to be performed and, in particular, meets any special requirements specified by applicable inspection, testing, or storage specifications.

**19.321 Supply control procedures**

(a) Each applicant for the grant of a certificate of approval for supply shall establish supply control procedures—

- (1) to inspect and, if applicable, test an aeronautical product to determine if it conforms to airworthiness standards acceptable to the Director, has no unsafe features, and is fit for use; and
- (2) for the identification of each aeronautical product by—
  - (i) determining the correct description of the aeronautical product; and
  - (ii) ensuring that the aeronautical product is identical to that determined under subparagraph (i); and
- (3) except for standard parts, for determining that each aeronautical product conforms with acceptable airworthiness standards from—
  - (i) accompanying documentation acceptable to the Director; or
  - (ii) means other than prescribed in subparagraph (i) acceptable to the Director; and
- (4) to ensure that each aeronautical product or batch of aeronautical products consigned is—
  - (i) issued with a release note; or
  - (ii) accompanied by the original documents specified in paragraph (3)(i); and
- (5) to ensure each aeronautical product dispatched is in a good state of preservation and is free from apparent defect or malfunction; and
- (6) to prevent deterioration of, and damage to, stored items; and
- (7) to segregate items for which acceptance procedures have not been completed; and
- (8) to segregate and dispose of items that do not conform to airworthiness standards acceptable to the Director.

(b) The procedures for the issue of a release note shall ensure that each release note—

- (1) is identified as such; and
- (2) is uniquely numbered; and

- (3) is accompanied by supporting evidence from the aeronautical product manufacturer if the aeronautical product is an authorised alternative to another aeronautical product; and
- (4) contains—
  - (i) the name and certificate of approval number of the supply organisation issuing it; and
  - (ii) the date of issue; and
  - (iii) an identification of the aeronautical product by description and, as applicable, part, drawing, specification, serial, and batch number; and
  - (iv) the eligibility and any limitations relating to the use of the aeronautical product, including shelf life and finite life; and
  - (v) the quantity involved; and
  - (vi) state any modifications incorporated during manufacture; and
- (5) is certified by an appropriate authorised signatory listed in the supply organisation's exposition; and
- (6) is issued in the form of a separate document suitable for attachment to a component or a batch of components.

### **19.323 Records**

- (a) Each applicant for the grant of a certificate of approval for supply shall establish procedures to identify, collect, index, store, maintain, and dispose of the records that are necessary to ensure that each aeronautical product conforms to airworthiness standards acceptable to the Director.
- (b) Each applicant for the grant of a certificate of approval for supply shall establish procedures to—
  - (1) record details of the experience, qualifications, training, and current authorisations of each person who exercises certification privileges on the organisation's behalf; and
  - (2) record all confirmations that each special storage facility is functioning within the appropriate specification; and
  - (3) record all deficiencies associated with aeronautical products received; and
  - (4) record all aeronautical products that are supplied by the organisation; and

- (5) retain copies of all release notes issued by the organisation and copies of the documents required by 19.321(a)(3)(i); and
- (6) ensure that—
  - (i) all records are legible and of a permanent nature; and
  - (ii) the records required by paragraph (b) are retained for a period of 7 years from the date of entry.

**19.325 Supply organisation exposition**

(a) An applicant for the grant of certificate of approval for supply shall provide the Director with an exposition which shall 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 supply organisation and demonstrate its means and methods for ensuring ongoing compliance with this Subpart; and
  - (ii) will be complied with at all times; and
- (2) the titles and names of the senior person or persons required by 19.315; and
- (3) the duties and responsibilities of the person or persons specified in subparagraph (2), including matters for which they have the responsibility to deal directly with the Director on behalf of the supply organisation; and
- (4) an organisation chart showing lines of responsibility of the senior persons specified in subparagraph (2); and
- (5) the detailed description of the scope and limitations of the certificate of approval; and
- (6) details of all locations where the applicant conducts supply activities, and the facilities at those locations; and
- (7) details of the applicant's provision of satisfactory environmental conditions at each of the locations listed under subparagraph (6); and
- (8) details of the applicant's staffing structure at each of the locations listed under subparagraph (6); and
- (9) details of any authorisations made by the applicant to other persons for supply functions; and

- (10) details of the applicant's procedures required by—
    - (i) 19.317(b) regarding the competence of personnel; and
    - (ii) 19.317(b) regarding the on-going training of personnel; and
    - (iii) 19.321 regarding control of supply activities, including a copy of the proposed release note, if applicable; and
    - (iv) 19.325(a) regarding the identification, collection, indexing, storage, maintenance and disposal of records; and
    - (v) 19.325(b) regarding the content and retention of records; and
  - (11) procedures to control, amend, and distribute the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

### **19.327 Continued compliance**

Each holder of a certificate of approval for supply shall—

- (1) hold at least one complete and current copy of its exposition at each work location specified in its exposition; and
- (2) comply with all procedures and systems detailed in its exposition; and
- (3) make each applicable part of the 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 19.317 to 19.325 inclusive; and
- (5) determine that each aeronautical product complies with the applicable airworthiness requirements, has no unsafe features, and is fit for use.

### **19.329 Changes to certificate holder's exposition**

- (a) Each holder of a certificate of approval for supply shall ensure that its exposition is amended so as to remain a current description of the organisation.
- (b) The certificate holder shall ensure any amendment to its exposition meets the applicable requirements of this Subpart and complies with the amendment procedures contained in its exposition.
- (c) The certificate holder shall provide the Director with a copy of each amendment to its exposition as soon as practicable after the holder's incorporation of the amendment into the exposition.

(d) Where the certificate holder proposes to make a change to any of the following, the certificate holder shall obtain prior notification to, and acceptance by, the Director:

- (1) the Chief Executive;
- (2) the listed senior persons;
- (3) the locations at which work is carried out.

(e) The Director may prescribe conditions under which a certificate holder may operate during or following any of the changes specified in paragraph (d).

(f) A certificate holder shall comply with the conditions prescribed under paragraph (e).

(g) Where any of the changes referred to in this rule requires an amendment to the certificate, the certificate holder shall forward the certificate to the Director as soon as practicable.

(h) The certificate holder shall make such amendments to its exposition as the Director may consider necessary in the interests of aviation safety.

#### **19.331 Notification of ceasing operation**

(a) Each holder of a certificate of approval for supply shall notify the Director in writing in accordance with paragraph (b) if the holder ceases operations.

(b) The notification shall be made within 30 days of cessation and shall include a request for revocation of the certificate of approval for supply.

#### **19.333 Safety, audit, and inspection**

(a) The holder of a certificate of approval for supply may be required by the Director, in writing, to undergo or carry out such inspections and audits of the holder's offices, facilities, documents, and records as the Director considers necessary in the interests of aviation safety and security in accordance with section 15 of the Act.

(b) The holder of a certificate of approval for supply may be required to provide such information as the Director considers relevant to the inspection or audit in accordance with section 15 of the Act.

#### **19.335 Transitional arrangements**

(a) Notwithstanding 19.303, any person that holds a valid supply organisation certificate of approval granted under regulation 176 of the Civil Aviation Regulations 1953 on 31 March 1997 may continue to operate under the regulation 176 approval (without Part 19 certification) for a period of 18 months or until the expiry of the 176 approval, whichever occurs first.

(b) Each person operating under the authority of a regulation 176 approval after 31 March 1997 shall continue to comply with those of the following requirements that were in force and applicable to the certificate holder immediately before the commencement of this Part—

- (1) the Civil Aviation Regulations 1953; and
- (2) the orders, notices, requirements, circulars, or other publications issued under regulation 8A of the Civil Aviation Regulations 1953; and
- (3) the conditions contained in the certificate holder's certificate.

(c) For the avoidance of doubt, paragraph (b) shall apply notwithstanding the revocation of the Civil Aviation Regulations 1953 and the expiry of the orders, notices, requirements, circulars, or other publications issued under regulation 8A of the Civil Aviation Regulations 1953.

## **Subpart G – Security**

### **19.351 Carriage of firearms by police**

(a) Notwithstanding 91.11, members of the police, or other persons lawfully entitled to carry firearms in the course of their duties, may carry firearms on board an aircraft performing an air transport operation only—

- (1) in the course of their lawful duties; and
- (2) with the permission of the Director.

(b) The Director shall grant such permission only with the agreement of the Commissioner of Police and the air transport operator concerned.

(c) Except in an emergency, an application to the Director under this rule shall be made not later than 24 hours before the time at which the flight concerned is expected to depart.

(d) The Director shall inform the air transport operator concerned of the number of persons carrying firearms, and the operator shall inform the pilot-in-command of that number and their position in the aircraft.

### **19.353 Restrictions relating to persons and aircraft subject to security control**

No person shall deliver to any person who has been subject to security control, or place on board any aircraft that has been subject to security control in a location accessible to any person on board—

- (1) any firearm; or



- (2) any other dangerous or offensive weapon or instrument of any kind whatsoever; or
- (3) any ammunition; or
- (4) any explosive substance or device, or any injurious substance or device of any kind whatsoever that could be used to endanger the safety of the aircraft or of persons on board.

### **19.355 Prohibitions**

No person shall, without lawful authority,—

- (1) leave open or insecure or otherwise uncontrolled any door, gate, or other barrier provided at any aerodrome to control access to any security area or operational area; or
- (2) deposit, park, or leave adjacent to or on any fence, barrier, or other thing being used to prevent unauthorised access to any security area or operational area any article that is capable of facilitating the evasion of control measures.

### **19.357 Airport identity cards**

(a) The Director of Civil Aviation may issue or approve airport identity cards and other identity documents in accordance with this rule.

(b) Subject to paragraphs (c) and (g), no person shall enter or remain in any security area of any designated aerodrome or designated installation, unless that person—

- (1) wears an airport identity card on the front of his or her outer garment; or
- (2) has in his or her possession another identity document or other identity documents for the time being authorised under paragraph (a).

(c) Where the Director considers it desirable that the name of the holder of an airport identity card be not disclosed, the Director may approve the wearing of an identity card from which the holder's name has been deleted.

(d) A person who is authorised by this rule to enter a security area shall remain in that area only for the purposes of his or her duties.

(e) If required to do so by an authorised person, any person entering or in a security area shall produce for inspection his or her airport identity card or other identity documents for the time being authorised under paragraph (a).

(f) If the holder of an airport identity card ceases to be employed in a position for which the card is required, or for any other reason ceases to be entitled to hold the card, the holder shall forthwith return the card to the issuing authority.

(g) Nothing in paragraph (b) shall apply to—

- (1) any member of the crew of an aircraft engaged in an international service who wears on his or her outer garment an official identity card issued by his or her employer or the government of the state in which he or she permanently resides; or
- (2) any official of a New Zealand government agency who is required, by reason of his or her official duties, to remain incognito; or
- (3) any passenger who enters or leaves a security area for the purpose of joining or leaving a flight, if he or she is in possession of a valid boarding pass for that flight or is being escorted by a crew member or a representative of the operator; or
- (4) any pilot-in-command of an aircraft on private operations who enters or is within a security area for the purpose of embarking, disembarking, or servicing the aircraft, if the pilot has in his or her possession a valid pilot licence, or any person being escorted by the pilot.

**19.359 *Travel by passengers subject to judicial or administrative procedures***

(a) Where a New Zealand government agency or a foreign government agency requires a person who is subject to judicial or administrative procedures to travel on an aircraft performing an air transport operation, whether or not that person is to travel under escort, it shall inform the operator of the circumstances of the proposed travel.

(b) If the operator agrees to allow such travel to proceed it shall—

- (1) impose any conditions that are authorised by the security programme approved under Part 119 or Part 129, that it considers are necessary for the safety of the flight; and
- (2) notify the pilot-in-command.

(c) The agency concerned shall comply with all such conditions.

## Subpart I – Personnel

### **19.401 Re-examination of maintenance personnel licences**

The Director may re-examine the holder of any licence, certificate, or rating issued under Part 66 if he considers that action necessary to establish the holder's competency. As a result of any such re-examination the Director may vary or cancel the licence, certificate, or rating if he thinks fit.

### **19.403 Air traffic controller's duty time limitation**

The Director may prescribe duty time limitations in respect of the length of time which may be spent on duty by air traffic controllers having regard to:

- (1) The type of operating position; and
- (2) The time of day in which the duty is carried out; and
- (3) The location, usual density of air traffic, or other factors affecting the degree of mental concentration required by the controller.

### **19.405 Test pilots**

No person shall act as a test pilot for the purpose of testing a prototype aircraft or carrying out experimental flying in an aircraft, unless that person is approved by the Director and holds a valid licence issued under Part 61.

### **19.407 First of type authorisation**

(a) The Director may authorise, subject to such conditions as the Director considers necessary in the interests of safety, the holder of a current instructor rating issued under Part 61 to act as a pilot, or as pilot-in-command of an aircraft for which the instructor does not hold an appropriate aircraft type rating if a holder of such an aircraft type rating is not available in New Zealand.

(b) Notwithstanding 61.5(d) and 61.305, an instructor authorised under paragraph (a) may act as pilot, or pilot-in-command of an aircraft without the required aircraft type rating.

### **19.409 Glider personnel**

(a) The eligibility and currency requirements to hold the following qualifications, and the privileges and limitations on those qualifications, are those specified in Civil Aviation Safety Order 17, Part 4, sections 2 and 4, and Appendices I to VII inclusive, that were in force on 31 March 1997:

- (1) student glider:
- (2) qualified glider pilot:
- (3) additional launch endorsements:

- (4) authority to carry passengers:
- (5) category C glider instructor:
- (6) category B glider instructor:
- (7) category A glider instructor:
- (8) additional launch instruction endorsements:
- (9) authority to give instruments flight instruction:
- (10) authority to fly IFR.

(b) The knowledge and ability requirements to hold the following glider engineer qualifications, and the privileges and limitations on those qualifications, are those specified in New Zealand Civil Airworthiness Requirements, section J, J.4 that were in force on 31 March 1997:

- (1) class 2 approval:
- (2) class 3 approval, with subdivisions W, M, and P:
- (3) class 4 approval, with subdivisions W, M, and P:
- (4) C rating:
- (5) S rating:
- (6) R rating:
- (7) E rating, with subdivisions E2, E3, and E4.

#### **19.411 *Hang glider and paraglider personnel***

The eligibility and currency requirements to hold the following qualifications, and the privileges and limitations on those qualifications, are those specified in Civil Aviation Safety Order 18, Part 4, section 2 and Appendix I, that were in force on 31 March 1997:

- (1) beginner rating:
- (2) novice rating:
- (3) intermediate rating:
- (4) advanced rating:
- (5) paraglider 1 rating:
- (6) paraglider 2 rating:
- (7) paraglider 3 rating:

- (8) paraglider instructor rating:
- (9) paraglider passenger rating:
- (10) hang glider instructor rating class 1:
- (11) hang glider instructor rating class 2:
- (12) special skills clearances.

#### **19.413 *Microlight personnel***

The eligibility and currency requirements to hold the following qualifications, and the privileges and limitations on those qualifications, are those specified in Civil Aviation Safety Order 19, Part 2, 2.4.1, Part 4, section 2, and Appendices I to VII inclusive, that were in force on 31 March 1997:

- (1) novice pilot certificate:
- (2) novice pilot ratings, group A, B, C:
- (3) intermediate pilot certificate:
- (4) intermediate pilot ratings group A, B, C:
- (5) advanced pilot certificate:
- (6) advanced pilot ratings group A, B, C:
- (7) microlight flying instructor certificate (provisional):
- (8) microlight flying instructor:
- (9) microlight flying instructor ratings group A, B, C:
- (10) authorised testing officer.

## **Appendix A Civil Air Ensign**

The Ensign shall comprise upon a field of light blue, a dark-blue latin cross, in breadth eight-sixtieths of the hoist of the ensign, bordered by a white band two-sixtieths of the hoist of the Ensign; in the first canton the Union Flag; and in the fourth canton the Southern Cross of four five-pointed stars coloured red.

The centres of the stars forming the long limb of the cross shall be on a vertical line through the centre of the fourth canton and equidistant from its upper and lower edges, and the distance apart of the centres of the stars shall be sixteen-sixtieths of the hoist of the Ensign.

The centres of the stars forming the short limb of the cross shall be on a line intersecting the vertical limb at an angle of 82 degrees therewith and rising from

near the lower inner corner of the canton towards the upper and outer corner, its point of intersection with the vertical line being distant from the centre of the uppermost star of the cross, five and one-half sixtieths of the hoist of the Ensign. The distance of the centre of the star nearest the outer edge of the canton from the point of intersection shall be equal to five-sixtieths of the hoist of the Ensign, and the distance of the centre of the star nearest the inner edge of the canton from the point of intersection shall be equal to five and one-half sixtieths of the hoist of the Ensign.

The star nearest the outer edge of the canton shall measure three and one-half sixtieths, the stars at the top and bottom of the cross and that nearest the inner edge of the canton shall each measure four-sixtieths of the hoist of the Ensign across their respective points.

## CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 19.  
It provides details of the consultation undertaken in making the rules.)

### Background to the Rules

In April 1988 the Swedavia-McGregor Report on civil aviation regulation in New Zealand was completed. Following the recommendations contained in that report, the Civil Aviation Authority (CAA) (formerly the Air Transport Division of the Ministry of Transport) commenced a complete review of all existing civil aviation legislation. The existing legislation that is still appropriate is being rewritten into the new *Rules* format. New legislation is being generated where necessary for the areas not presently covered.

Considerable research was carried out to determine the format for the new legislation. It was decided that the legislative framework should incorporate the advantages of the regulatory system of the Federal Aviation Administration (FAA) of United States of America and the system being developed by the European Joint Aviation Authorities and published as Joint Aviation Requirements (JAR).

The new rules are structured in a manner similar to the Federal Aviation Regulations (FAR) of the FAA, and aim to achieve maximum harmonisation whilst allowing for national variations. Close co-operation is also being maintained with the Civil Aviation Safety Authority of Australia to ensure maximum harmonisation with their regulatory code.

New Zealand's revised legislation is published as Civil Aviation Rules (CAR) which is divided into Parts. Each Part contains a series of individual rules which relate to a particular aviation activity.

Accompanying most Parts will be at least one associated Advisory Circular (AC) which will expand, in an informative way, specific requirements of the Part and acceptable means of compliance. For instance an AC may contain examples of acceptable practices or procedures which would meet the requirements of a particular rule.

The CAR numbering system is based on the FAR system. As a general principle the subject matter of a rule Part will be the same or similar to the FAR although the title may differ to suit New Zealand terminology. Where a CAR Part does not readily equate with a FAR number code, a number has been selected that does not conflict with any existing FAR Part.

The objective of the new rules system is to strike a balance of responsibility between the State authority and those who provide services and exercise privileges in the civil aviation system. This balance must enable the State 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.

### **Notice of Proposed Rule Making**

To provide public notice of, and opportunity for comment on the proposed new rules, the Authority issued Notice of Proposed Rule Making 96-14 under Docket Number 1216 on 9 December 1996. This Notice proposed the introduction of Civil Aviation Rules Part 19 to provide rules to ensure a smooth transition from the Civil Aviation Regulations 1953 and the Civil Aviation (Security) Regulations 1989 to the Civil Aviation Rules system.

### **Supplementary Information**

All comments made on the Notice of Proposed Rule Making are available in the rules docket for examination by interested persons. A report summarising each substantive contact with the Civil Aviation Authority contact person concerning this rule making has been filed in the docket.

### **Availability of the Document**

Any person may view a copy of these rules at Aviation House, 1 Market Grove, Lower Hutt. Copies may be obtained from Publishing Solutions Ltd, PO Box 983, Wellington 6015, Telephone 0800 800 359.

### **Summary of Comments on Docket Number 1216 NPRM**

#### **1. General comments on the NPRM**

From the 17 submissions received, there were 3 general comments. One commenter supported all the submissions made by the Helicopter Division of the Aviation Industry Association. Another made no comment on the NPRM.

One commenter made an oral submission that Part 19 should be of finite duration. The commenter considered that the transition nature of the rule and the short consultation period permitted made Part 19 unsafe as a permanent document.

**CAA response:** Part 19 is a mixture of rules, most of which are temporary and will be consulted on in the near future as amendments to other existing rules. Some rules are of a permanent nature such as 19.5, Civil Air Ensign and Subpart I on security. These rules will remain in the existing location subject to petitions for further amendment. Part 19 is will be reconsulted and renamed a General Administration Part when the transition provisions are removed from it. The CAA is fully aware that some regulations carried over in Part 19 require further research and development and will be addressing these as part of a continuous improvement programme.



## **2. Specific comments on the NPRM**

Specific comments received from the 17 submissions are discussed as follows:

### **2.1 19.9 Control of access**

Two commenters considered that this rule needed limits to protect persons from abuse of power by authorised person. Concern was expressed that an authorised person could control entry into a private home.

**CAA response:** The CAA notes the concern expressed, however the rule simply carries over an existing power under the Civil Aviation Regulations 1953. There have been no instances of abuse of power. The rule has been amended to ensure that authorised persons may only exercise such powers for the purpose of carrying out the functions of the Director under the Act. The CAA also notes that entry by the authorised person into a private home would require a warrant issued in accordance with section 24 of the Act.

### **19.17 Airways services certificates**

This rule has been carried over from regulation 149A(1) until Part 172 comes into force.

### **2.2 19.51 Prohibition of flying foreign aircraft**

One commenter submitted that a foreign aircraft should only be prohibited from flying if the aircraft suffers damage and the aircraft is found to be unairworthy.

**CAA response:** The CAA has removed this rule on legal advice as it conflicts with section 21 of the Act. Such prohibitions will be dealt with solely in accordance with section 21. Rule 19.53 now becomes 19.15.

### **2.3 19.53 Operation within New Zealand of foreign aircraft**

Three commenters expressed concern that 19.53 rewrites regulation 20 of the Civil Aviation Regulations 1953 in such a way that entitles the CAA to impose restrictions and conditions on a foreign aircraft from an ICAO contracting State over and above that State's regulatory requirements and in excess of the CAA's own domestic requirements.

A further submission suggested substituting the power to require compliance with civil aviation rules for the power to impose conditions necessary in the interests of aviation safety.

**CAA response:** Subject to the overriding guideline of the Civil Aviation Act to achieve safety at reasonable cost, the CAA has always had the power to impose operating limitations on aircraft used for aerial work or air transport operations. Rule 19.53 continues this power.

The CAA agrees that the aim is to achieve an equivalent level of safety for domestic and foreign registered aircraft performing hire or reward operations. This cannot be achieved simply by requiring compliance with New Zealand CAR.

The responsibility for airworthiness of foreign registered aircraft rests with the State of registry. The CAA is not always able to satisfy itself that the foreign State is performing this role or that the operator is complying with the requirements of that State. A requirement to simply comply with the New Zealand CAR is not appropriate in terms of airworthiness to a foreign registered aircraft. Conditions requiring compliance with the airworthiness requirements of the State of registry are often necessary and it is critical that these conditions are enforceable in New Zealand. Formerly this would be dealt through conditions on an aerial work certificate. This certificate is no longer available hence the powers under regulation 20A needed to be broadened in rule 19.53.

#### **2.4 19.103 Agricultural operators – statistical returns**

One commenter submitted that paragraph (5) is impractical. They suggest that departure aerodrome is not a useful statistic for agricultural operators who will make many take offs from farm strips each day. The commenter states that the use of aerodrome is inappropriate as agricultural operators seldom use licensed aerodromes.

**CAA response:** The CAA agrees that paragraph (5) is impractical. The rule has been amended to require reporting of the location of each aerodrome used during the reporting period. If an aerodrome is used many times it need only be reported once. The term aerodrome is defined in Part 1 and includes farm strips.

#### **2.5 19.105 Pilotless aircraft**

Two commenters proposed that the conditions and requirements for the operation of pilotless aircraft should only pertain to the persons operating the pilotless aircraft and not restrict other airspace users.

**CAA response:** The power to impose conditions in 19.105(3) has been amended to clarify that conditions are to be placed on the operator of the pilotless aircraft.

#### **2.6 19.107(a) and (c) Offshore helicopter operations**

Three commenters made submissions on this provision. In summary the commenters consider that the requirement to use only twin engined helicopters for the carriage of passengers for hire or reward beyond 10 nm from shore is unreasonable. The commenters submitted that single engined turbine helicopters provide an equivalent level of safety if fitted with flotation and survival equipment. Comment was also made that the requirements in this rule

should remain in Part 135 and that the submission made on that Part should be incorporated.

**CAA response:** The intention of paragraphs (a) and (c) is to specify performance requirements for helicopters carrying passengers for hire or reward beyond 10 nm from shore. It is not the object of this rule to mandate twin engined helicopters for such operations. Rule 135.81 prohibits the use of single engined aircraft carrying passengers for hire or reward beyond 10 nm from shore. This issue has been fully canvassed and considered in the consultation process under Part 135.

This issue has caused considerable debate and will continue to do so. The CAA agrees that the issue should not be dealt with in Part 19 and did not intend to reopen debate on the issue in the NPRM. Rule 19.107 simply carries over performance requirements from the previous Civil Aviation Safety Order.

### **2.7 19.107(b) Offshore helicopter operations**

Three commenters made submissions on the requirement to wear life jackets. They considered the requirement unreasonable as fixed wing aircraft need only have life jackets readily accessible. The requirement to wear life jackets subjects the life jackets to continuous risk of damage.

**CAA response:** The CAA agrees and has removed the provision. The requirement for lifejackets is now that prescribed in rule 91.525.

### **2.8 19.153 IFR procedures**

One commenter suggested the rule should include the power to cancel IFR procedures.

**CAA response:** The CAA considers the power to prescribe IFR procedures under 19.155(c) includes the power to amend and revoke such procedures.

### **2.9 Subpart E IFR operations: GNSS**

One commenter states :

"The way in which these proposed GNSS rules are being introduced to the system is far from desirable. I thought the idea was to simplify the paperwork processes and have all non urgent rule making items subject to consultation through the NPRM process before a final rule is made. In this case the Authority has made an addition to CASO 1 detailed in AIC 9/97 as becoming effective 27 February 1997, over 6 weeks after the close off of the comments on the Part 19 NPRM. The transfer of an item from the regulations to the rules before the regulation is even valid is far from full consultation. It is grossly unfair, and probably illegal, to force industry through a 3 document paper chase during the

Christmas/New Year period. If a "wine box" enquiry were to be held into Part 19 the Authority's position would be far from favourable."

**CAA response:** The amendment to CASO 1 was an item of urgent rule making. Regulation of GPS equipment used on IFR operations has been long overdue. A number of operators have replaced navigation equipment using ground based navigation aids with GPS equipment to cope with decommissioning or failure of ground based aids. The CNS/ATN user group has been requesting regulation of GPS equipment used on IFR operations for some time. Consequently the CAA considered timely introduction of legislation a priority. An amendment to CASO 1 was the only available legislative vehicle to achieve this.

The CAA rejects any suggestion that it has acted in an illegal manner. Amendments to the Civil Aviation Safety Orders are made under the authority of section 8(2)(b) of the Civil Aviation Amendment Act 1991. This empowers the Minister to make amendments to "all orders, notices, requirements, circulars, and other publications issued under regulation 8A of the Civil Aviation Regulations 1953." The Minister has delegated this power to the Director under sections 22 and 23 of the Civil Aviation Act. The amendment to CASO 1 was within the powers of the Director and all procedural requirements were complied with.

As CASO 1 will expire on 31 March 1997 it was necessary to transfer the requirements for use of GPS equipment on IFR operations into the Civil Aviation Rules. A number of deficiencies in the CASO 1 amendment were identified and addressed in the NPRM for Part 19 which was sent out for industry consultation. The CAA agrees that the timing of Part 19 was unfortunate but the nature of the Transition Rule gave no option. Part 19 could not be published until it was clear which Civil Aviation Rules were not going to make the 1 April deadline. Part 19 was then drafted to carry over existing legislation to cover any legislative "gaps". Hence the NPRM could not be published until December. In the meantime it was essential that CASO 1 be amended to permit IFR flight using GPS equipment as soon as possible.

#### **2.10 19.205 Pilot qualification**

One commenter suggested that approved persons as well as flight examiners be able to sign off GPS endorsements.

**CAA response:** In Civil Aviation Rules Part 1, Definitions and Abbreviations there is provision for a Flight Examiner to be an approved person.

A second commenter asked whether the pilot qualification requirements apply to a flight management systems as well as stand alone GPS equipment.

**CAA response:** Anytime where it is planned to use the Flight Management System to conduct a GPS Approach then an appropriate pilot logbook endorsement is required relating to the equipment used for that GPS instrument approach.

Two commenters see no reason to have to demonstrate competency on each make and model of GPS equipment to be used. They argue that such requirements are not made for ground based navigation aids or by the US FAA.

**CAA response:** CAA's experience to date has shown that this requirement is needed for TSO'd GPS receivers used for instrument approaches. The differences in operating software between different models even from the same manufacturer and the loose operating specification in TSO C129 have dictated this CAA position. The New Zealand legal environment compared to that of the USA is such that reference to the US FAA in this regard is not directly relevant.

### **2.11 19.207 Primary means GPS operations**

Two commenters question the need for 2 sole means back up navigation systems to the GPS equipment.

**CAA response:** For Air transport Operations there is no change of requirement. For IFR GPS operations in the NZ Flight Information Region GPS approval is for a Primary Means Navigation System only; hence the requirement specifying dual Sole Means Navigation System back-up to the GPS equipment.

For private operations under Part 91 the requirement is for a single sole means navigation system as a back up to the GPS receiver. Part 19 is amended to reflect this distinction.

The same commenters question the need for RAIM prediction prior to take-off.

**CAA response:** This requirement is considered to be part of the normal pre-flight preparation in checking that the proposed instrument approach aid at destination will be available. (Similar to checking NOTAM on VOR/NDB availability.)

One commenter considered that pilots should always be required to cross check way point positions against charts when using a GPS database. The commenter considered the such a requirement as a matter of education rather than requiring a rule.

**CAA response:** The CAA agrees that the cross check is always necessary and has amended the rule to reflect this.

One commenter considered there was no need to report RAIM warnings to ATC as RAIM was not necessary for en route navigation. The commenter did consider ATC should be informed if the GPS goes off line, operates in DR mode or simply

does not receive the signal and another appropriate means of navigating is not available. This applies to 19.209 as well.

**CAA response:** RAIM is necessary for en-route navigation as ATC are relying on the GPS performance being monitored by RAIM so they can apply lateral separation between aircraft with some surety of the integrity of the GPS navigation solutions.

### **2.12 19.209 Sole means GPS operations**

One commenter considers that the requirement to notify ATC of a RAIM warning or DR operation is only necessary in controlled airspace.

**CAA response:** The rate of degradation of GPS navigation performance is such that it has been called "A gracious failure". For this reason an allowance of 10 minutes without RAIM availability is allowed before there is a requirement to notify ATC. With aircraft likely to enter controlled airspace from uncontrolled airspace this requirement to notify ATC at all times remains.

### **2.13 19.213 GPS derived distance information**

One commenter considered RAIM was not necessary for GPS distances as experience has shown cross references with DME distances are similar when slant angle is taken into account.

**CAA response:** Probably correct, however if DME is available for cross checking then GPS distance isn't required. When relying solely on GPS distance information the GPS RAIM function is the only integrity check available to the pilot and ATC.

Another commenter suggested that the words "to ATS" be inserted after the words "may provide GPS derived distance information" to clarify to whom distances are provided.

**CAA response:** The CAA disagrees with this submission as distance information may be given to other aircraft as well as ATS.

Two commenters submitted that exclusion of GPS distances on ILS/DME, LLZ/DME approaches seems unreasonable because the error allowed for precision and non precision approaches is the same.

**CAA response:** ILS/LLZ DME sites are not incorporated in the GPS data base as TSO C129 only makes provision for non-precision approaches. GPS distances cannot be accepted from pilot inserted waypoints on an instrument approach as the GPS receiver cannot operate in the approach mode (i.e. .3 nm full scale CDI deflection) unless the instrument approach is inserted in the flight plan from the GPS database.

**2.14 19.215 Minimum flight altitudes**

One commenter queried the meaning of “limiting minimum crossing altitude”.

**CAA response:** The CAA considers this is self defining and further consultation has resulted in the commenter’s agreement. A limiting minimum crossing altitude is the minimum safe altitude that must be achieved at an intersection of two areas of airspace where the minimum safe altitude of the area departed is lower than the minimum safe altitude of the area entered.

**2.15 19.217 Flight on unevaluated routes**

One commenter stated the requirement to have continuous radar monitoring by ATC for random flight routing below flight level 130 should be reconsidered as it prohibited such flight in areas where significant benefits were possible.

**CAA response:** Until such time as GPS is approved for use as a Sole Means Navigation System in the NZ Flight Information Region this requirement must remain in force. If there is a demonstrated requirement for a particular GPS route outside of radar cover the operator may consult with the Airways Corporation of New Zealand for evaluation of such a route.

**2.16 19.219 Flight plans**

One commenter stated that the requirement for a pilot GPS qualification to enter “G” for en route use of GPS under IFR is unreasonable.

**CAA response:** The CAA agrees and this prerequisite is no longer required.

**2.17 19.251 Transponder mandatory airspace**

One commenter submitted that the list of transponder mandatory airspace is out of date.

**CAA response:** The CAA agrees and the rule is amended accordingly. The list was correct at the time of publication, however CASO 1 has since been amended.

**2.18 19.255/257 Designation of airspace/prohibited and restricted areas**

Five commenters stated that provision should be made requiring the Director to consult with affected parties and undertake an aeronautical study before designating airspace and declaring restricted or danger areas. One commenter emphasised that the first priority should be to remove a hazard if possible rather than declaring a restricted or danger area.

**CAA response:** The CAA agrees and a consultation requirement has been included for the purposes of the transition rules. A more complete consultation procedure will be contained in Parts 71 and 73 which will deal with designation of airspace and restricted and danger areas.

**2.19 19.323 Records**

One commenter considered the requirement to hold records to be incorrect. It should be a period of 7 years as per NZCAR D.6 8.2(b)(ii).

**CAA response:** The CAA agrees and has amended the rule accordingly.

**2.20 19.333(c)(3)(ii) Release notes [Final rule 19.321]**

A commenter submitted that responsibility to provide evidence as to an authorised alternative product is a maintenance or manufacturing function, not a supply organisation function.

**CAA response:** The CAA does not agree. If a supplier provides a product that is an alternative to that required it is the supplier's responsibility to provide evidence that the product is an approved alternative. The supplier is in a much better position to provide such evidence than the maintenance engineer or maintenance organisation.

**2.21 19.333(c)(4)(iv) Release notes [Final rule 19.321]**

A commenter submitted that components may be released with part life left to run. In that case the hours left to run will be quoted. The commenter considered that the finite life of the component is an owner/operator responsibility. Similarly the shelf life is a maintenance responsibility.

**CAA response:** The CAA agrees with the comments made but does not consider the content of the rule requires amendment. The rule requires procedures to provide information regarding the finite or shelf life. While responsibility for complying with the finite or shelf life does not rest with the supply organisation, the provision of the information regarding finite or shelf lives does.

**2.22 19.357 Airport identity cards**

Two commenters requested that pilot licences and other forms of ID should be acceptable as ID. Pilots who do not frequently use airports and do not hold airport IDs should be able to park and move between secure and unsecured areas.

**CAA response:** The CAA agrees that pilot licences should be acceptable as ID and considers the wording of 19.357(g)(4) allows this at present.

**2.23 19.403 Instrument approach training requirements**

One commenter stated the proposed rule appears to relate to CAT 1 ILS approaches and should be headed accordingly.



**CAA response:** The CAA agrees. This rule has been moved to an amendment of Part 61 as this fits more appropriately within the requirements for an instrument rating.

#### **2.24 19.403 Air traffic controller's duty time limitation [New final rule]**

This rule has been carried over from regulation 149F as a interim measure. The provision was to be covered in Part 172, however it has been omitted subject to further consultation with affected parties.

#### **2.24 19.405 Test pilots**

One commenter considered commercial pilots should be able to act as test pilots after routine or unscheduled maintenance on aircraft.

**CAA response:** Test pilots were not intended to be required to test aircraft after maintenance. As maintenance includes modification by definition the reference to modification has been removed.

#### **2.25 19.407 First of type authorisation**

One commenter stated that provision needs to be made for pilots to fly aircraft without type rating in circumstances other than for first of type aircraft. An example is where there is no pilot in NZ available to give the rating. Also it may not be the holder of a New Zealand licence issued under Part 61.

**CAA response:** The CAA agrees and has amended the rule accordingly. The requirement to be an instructor to be authorised to fly without a type rating has been included as only an instructor may conduct type ratings for other persons. Foreign pilots with an appropriate type rating may have their licences validated under Part 61.

### **Regulatory activities**

Part 19 replaces a number of requirements from the Civil Aviation Regulations 1953, the Civil Aviation Safety Orders, and the New Zealand Airworthiness Requirements.

Section 14(2) of the Civil Aviation Amendment Act 1991 (as amended by section 34 of 1996 No. 91) deems the Civil Aviation Regulations 1953 that are continued in force by section 8 of that Act to be revoked on the close of 31 March 1997.

Section 14(3) states that any order, notice, requirement, circular, or other publication continued in force by section 8 shall expire on the close of 31 March 1997.

## Conclusion

The Civil Aviation Authority concludes from this consultation that, although areas of difference remain, the majority of the aviation industry participants favour the direction of this new Part. The comments and all the background material used in developing the rules are held on the docket file and are available for public scrutiny. Persons wishing to view the docket file should call at Aviation House, 1 Market Grove, Lower Hutt and ask for docket file 1216.