



PURSUANT to Section 28 of the Civil Aviation Act 1990

I, Hon CRAIG FOSS, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 12th day of Dec 2016

by Hon Craig Foss

Associate Minister of Transport

A handwritten signature in black ink, appearing to read 'Craig Foss', is written over the printed name and title.

Civil Aviation Rules

Part 115, Amendment 4

Adventure Aviation - Certification and Operations

Docket 16/CAR/1

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Rule objective

The objective of amendment 4 to Part 115 is to correct data erroneously omitted from Appendix A (relating to the Part 100 Safety Management rule changes); and to correct aspects of the Safety Management transitional provision in line with original policy intentions.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 16-01, containing the proposed changes to Part 115 and other rules was issued for public consultation under Docket 16/CAR/1 on 2 June 2016.

The NPRM was published on the CAA website and emailed to subscribers of the automatic alert service provided by the CAA.

A period of 27 days was allowed for comment on the proposed rules.

Summary of submissions

Six written submissions and no oral comments were received on the NPRM. These submissions and comments have been considered and as a result a minor and non-controversial amendment is being made to rule 91.605 and two new definitions are being inserted in Part 1 to clarify the definition of “Instrument runway”.

A summary of submissions for this NPRM is available on the CAA website.

No submissions were received in relation to the proposed amendments to Part 115.

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

This Part was amended by:

- Rule 115.151 (the Safety Management transition rule) was amended to clarify that the body in paragraph (a) is the applicant for the grant of the certificate; that both applicants

and certificate holders have to submit implementation plans for safety management to the Director; the timing of when plans must be submitted; that certificate holders do not need to submit the implementation plan with their certificate renewal application but may do so separately; to correct an incorrect statutory reference and to remove the wording in paragraph (f) of the existing rule.

- Appendix A was amended to correct detail erroneously omitted.

Effective date of rule

Amendment 4 to Part 115 comes into force on 10 March 2017

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 115 Adventure Aviation – Certification and Operations

Replace rule 115.151 with the following rule:

115.151 Transition for adventure aviation operator certificate holders and applicants

- (a) This rule applies to each—
- (1) holder of an adventure aviation operator certificate:
 - (2) applicant for the grant of an adventure aviation operator certificate.
- (b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—
- (1) rule 115.51(b)(1)(iv), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for an organisational management system:
 - (2) rule 115.77, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an organisational management system that complies with rule 115.153:
 - (3) rule 115.79(a)(1A)(i):
 - (4) rule 115.79(a)(3)(ii):
 - (5) rule 115.79(a)(5A).
- (c) A completed CAA form and implementation plan must be submitted to the Director —
- (1) after 1 February 2016 for an applicant for the grant of an adventure aviation operator certificate under subparagraph (a)(2); and

- (2) by 30 July 2018 for a holder of an adventure aviation operator certificate under subparagraph (a)(1).
- (d) The implementation plan referred to in paragraph (c) must—
 - (1) include a proposed date for implementation of the system for safety management; and
 - (2) outline how the organisation plans to implement the system for safety management required under rule 115.77.
- (e) The Director will, if acceptable —
 - (1) approve the organisation’s implementation plan; and
 - (2) set the date for implementation of the system for safety management.
- (f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:
 - (1) the capability of the organisation:
 - (2) the complexity of the organisation:
 - (3) the risks inherent in the activities of the organisation:
 - (4) the date of any certificate renewal:
 - (5) any resource or scheduling impacts on the organisation or the Authority or both:
 - (6) the date for implementation must not be later than 1 February 2021.
- (g) A holder of an adventure aviation operator certificate does not have to submit an implementation plan with its certificate renewal application.
- (h) This rule expires on 1 February 2021.

Replace Appendix A with the following appendix:

Appendix A — Qualifications and competencies of senior persons

Hot Air Balloon Operation		
Senior person responsible for adventure aviation operations	Document required	CPL (B)
	PIC experience required	3 years PIC experience with Part 115 certificate holder or equivalent commercial hot air balloon operations; and 200 hours PIC experience on hot air balloons; and Experience acceptable to the Director in the type of adventure aviation operation to be performed.
	Managerial experience required	3 years experience in an operational control position that is acceptable to the Director.
Senior person responsible for crew training and competency assessment	Document required	CPL (B)
	Currency	Meets currency requirements to act as PIC in one of the operator's hot air balloons; and 200 hours experience in hot air balloon operations.
	Managerial experience required	3 years experience with Part 115 certificate holder or equivalent commercial hot air balloon operations; and 2 years experience in a pilot check and training role that is acceptable to the Director.

Hot Air Balloon Operation		
Senior person responsible for the control and direction of maintenance	Document required	Certificate of training acceptable to the Director that provides evidence of competency to perform maintenance planning and maintenance control functions.
	Vocational experience required	Demonstrable knowledge and understanding of the certificate holder's exposition and maintenance programme requirements, and Sufficient knowledge of hot air balloon maintenance to ensure that all hot balloons operated under the certificate holder's authority are maintained in an airworthy condition, and that all maintenance activities required by the certificate holder's maintenance programme are satisfactorily accomplished.
	Aviation experience required	3 years of relevant experience that is acceptable to the Director.
Senior person responsible for safety management	Competency	Demonstrate competency relevant to systems of safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
	Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.
Senior person responsible for the organisational management system	Document required	Certificate of training for quality assurance that is acceptable to the Director.
	Vocational experience required	Demonstrable knowledge and awareness of general quality assurance/quality management systems and 3 years of experience

Hot Air Balloon Operation		
		<p>in an operational role in the aviation industry; or</p> <p>2 years experience with organisational management systems in the aviation industry.</p>

Parachute-Drop Aircraft Operation		
Senior person responsible for adventure aviation operations	Document required	CPL
	PIC experience required	<p>150 hours experience as PIC on the category of aircraft to be operated by the certificate holder; and</p> <p>750 hours TT PIC; or</p> <p>Experience acceptable to the Director in the type of adventure aviation operation to be performed.</p>
	Managerial experience required	3 years experience in an operational control position that is acceptable to the Director.
Senior person responsible for crew training and competency assessment	Document required	"A" or "B" category instructor rating
	Currency	<p>Holds a current "A" or "B" category instructor rating; and</p> <p>Meets currency requirement to act as PIC in at least one type of the certificate holder's aircraft, with 500 hours experience in that category of aircraft.</p>
	Managerial experience required	<p>2 years experience as a qualified instructor; or</p> <p>2 years experience in a pilot check and training role that is acceptable</p>

		to the Director.
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Parachute-Drop Aircraft Operation		
Senior person responsible for the control and direction of maintenance	Document required	LAME or able to successfully complete a test or examination administered by the Director to determine the applicant's competency to perform maintenance planning and maintenance control functions.
	Vocational experience required	Demonstrable knowledge and understanding of the certificate holder's exposition and maintenance programme requirements, and Sufficient knowledge of aircraft maintenance to ensure that all parachute-drop aircraft operated under the certificate holder's authority are maintained in an airworthy condition, and that all maintenance activities required by the certificate holder's maintenance programme are satisfactorily accomplished.
	Aviation experience required	3 years of relevant experience that is acceptable to the Director.
Senior person responsible for safety management	Competency	Demonstrate competency relevant to systems of safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
	Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.
Senior person responsible for the	Document	Certificate of training for quality assurance that is acceptable to the

Parachute-Drop Aircraft Operation		
organisational management system	required	Director.
	Vocational experience required	Demonstrable knowledge and awareness of general quality assurance/quality management systems and 3 years of experience in an operational role in the aviation industry; or 2 years experience with organisational management systems in the aviation industry.

Tandem Parachute Descent Operation		
Senior person responsible for adventure aviation operations	Document required	Commercial tandem master rating issued by a parachute organisation that has certificated under Part 149.
	Tandem master experience required	Commercial tandem master having completed 1000 tandem descents; and 3 years experience as a tandem master; or 3 years experience that is relevant to the position and is acceptable to the Director.
	Managerial experience required	3 years experience in an operational control position that is acceptable to the Director.
Senior person responsible for crew training and competency assessment	Document required	Holds an instructor rating issued by a parachute organisation that has been certificated under Part 149.
	Currency	Meets currency requirements to act as a parachute organisation

Tandem Parachute Descent Operation		
		instructor.
	Managerial experience required	3 years experience in a parachutist check and training role that is acceptable to the Director.
Senior person responsible for the control and direction of maintenance	Document required	Able to successfully complete a test or examination administered by the Director to determine the applicant's competency to perform maintenance planning and maintenance control functions.
	Vocational experience required	Demonstrable knowledge and understanding of the certificate holder's exposition and maintenance programme requirements, and Sufficient knowledge of tandem parachute maintenance to ensure that all tandem parachutes operated under the certificate holder's authority are maintained in an airworthy condition, and that all maintenance activities required by the certificate holder's maintenance programme are satisfactorily accomplished.
	Aviation experience required	3 years of relevant experience that is acceptable to the Director.
Senior person responsible for safety management	Competency	Demonstrate competency relevant to systems of safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
	Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.
Senior person responsible for the	Document required	Certificate of training for quality assurance that is acceptable to the

Tandem Parachute Descent Operation		
organisational management system		Director.
	Vocational experience required	Demonstrable knowledge and awareness of general quality assurance/quality management systems and 3 years of experience in an operational role in the aviation industry; or 2 years experience with organisational management systems in the aviation industry.

Glider and Glider Tow Aircraft Operation		
Senior person responsible for adventure aviation operations	Document required	CPL (G)
	PIC experience required	3 years experience as PIC on the category of aircraft to be operated by the certificate holder; and 150 hours TT PIC; or Experience acceptable to the Director in the type of adventure aviation operation to be performed.
	Managerial experience required	3 years experience in an operational control position that is acceptable to the Director.
Senior person responsible for crew training and competency assessment	Document required	CPL (G) or an "A" or "B" glider instructor rating issued by a gliding organisation that has been certificated under Part 149.
	Currency	Meets currency requirement to act as PIC in at least one type of the certificate holder's aircraft, with 150 hours experience in that category of aircraft.

Glider and Glider Tow Aircraft Operation		
	Managerial experience required	2 years experience as an “A” or “B” category glider instructor for a gliding organisation certificated under Part 149.
Senior person responsible for the control and direction of maintenance	Document required	Able to successfully complete a test or examination administered by the Director to determine the applicant’s competency to perform maintenance planning and maintenance control functions.
	Vocational experience required	Demonstrable knowledge and understanding of the certificate holder’s exposition and maintenance programme requirements, and Sufficient knowledge of glider and glider tow aircraft maintenance to ensure that all gliders and glider tow aircraft operated under the certificate holder’s authority are maintained in an airworthy condition, and that all maintenance activities required by the certificate holder’s maintenance programme are satisfactorily accomplished.
	Aviation experience required	3 years of relevant experience that is acceptable to the Director.
Senior person responsible for safety management	Competency	Demonstrate competency relevant to systems of safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
	Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.
Senior person responsible for the	Document required	Certificate of training for quality assurance that is acceptable to the

Glider and Glider Tow Aircraft Operation		
organisational management system		Director.
	Vocational experience required	Demonstrable knowledge and awareness of general quality assurance/quality management systems and 3 years of experience in an operational role in the aviation industry; or 2 years experience with organisational management systems in the aviation industry.

Hang Glider/Paraglider and Hang Glider Tow Aircraft Operation		
Senior person responsible for adventure aviation operations	Document required	NZHGPA PP2 certificate or Tandem Professional Certificate
	PIC experience required	3 years experience as PIC on the category of aircraft to be operated by the certificate holder; and 200 hours TT as PIC; and Experience acceptable to the Director in the type of adventure aviation operation to be performed.
	Managerial experience required	3 years experience in an operational control position that is acceptable to the Director.
Senior person responsible for crew training and competency assessment	Document required	HGPG instructor rating, NZHGPA PP2, or Tandem Professional Certificate
	Currency	Meets currency requirements to act as PIC in one of the operator's aircraft or a similar type; and 200 hours experience in HGPG

Hang Glider/Paraglider and Hang Glider Tow Aircraft Operation		
		operations.
	Managerial experience required	2 years experience as a qualified instructor for a HGPG organisation certificated under Part 149; or 2 years experience in a pilot check and training role that is acceptable to the Director.
Senior person responsible for the control and direction of maintenance	Document required	Able to successfully complete a test or examination administered by the Director to determine the applicant's competency to perform maintenance planning and maintenance control functions.
	Vocational experience required	Demonstrable knowledge and understanding of the certificate holder's exposition and maintenance programme requirements, and Sufficient knowledge of hang glider/paraglider and hang glider tow aircraft maintenance to ensure that all hang gliders/paragliders and hang glider tow aircraft operated under the certificate holder's authority are maintained in an airworthy condition, and that all maintenance activities required by the certificate holder's maintenance programme are satisfactorily accomplished.
	Aviation experience required	2 years of relevant experience that is acceptable to the Director.
Senior person responsible for safety management	Competency	Demonstrate competency relevant to systems of safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.

Hang Glider/Paraglider and Hang Glider Tow Aircraft Operation		
	Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.
Senior person responsible for the organisational management system	Document required	Certificate of training for Quality Assurance that is acceptable to the Director.
	Vocational experience required	Demonstrable knowledge and awareness of general quality assurance/quality management systems and 3 years of experience in an operational role in the aviation industry; or 2 years experience with organisational management systems in the aviation industry.

Special Aircraft Operation		
Senior person responsible for adventure aviation operations	Document required	CPL (A) or CPL (H)
	PIC experience required	150 hours experience as PIC on the category of aircraft to be operated by the certificate holder; and 750 hours TT PIC; or Experience acceptable to the Director in the type of adventure aviation operation to be performed.
	Managerial experience required	3 years experience in an operational control position that is acceptable to the Director.
Senior person	Document required	CPL

Special Aircraft Operation		
responsible for crew training and competency assessment	Currency	<p>Holds a current “A” or “B” category instructor rating; and</p> <p>Meets currency requirement to act as PIC in at least one type of the certificate holder’s aircraft, with 500 hours experience in that category of aircraft.</p>
	Managerial experience required	<p>2 years experience as a qualified instructor; or</p> <p>2 years experience in a pilot check and training role that is acceptable to the Director.</p>
Senior person responsible for the control and direction of maintenance	Document required	LAME or able to successfully complete a test or examination administered by the Director to determine the applicant’s competency to perform maintenance planning and maintenance control functions.
	Vocational experience required	<p>Demonstrable knowledge and understanding of the certificate holder’s exposition and maintenance programme requirements, and</p> <p>Sufficient knowledge of aircraft maintenance to ensure that all aircraft operated under the certificate holder’s authority are maintained in an airworthy condition, and that all maintenance activities required by the certificate holder’s maintenance programme are satisfactorily accomplished.</p>
	Aviation experience required	3 years of relevant experience that is acceptable to the Director.
Senior person responsible for safety	Competency	Demonstrate competency relevant to systems of safety management.

Special Aircraft Operation		
management		A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
	Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.
Senior person responsible for the organisational management system	Document required	Certificate of training for Quality Assurance that is acceptable to the Director.
	Vocational experience required	Demonstrable knowledge and awareness of general quality assurance/quality management systems and 3 years of experience in an operational role in the aviation industry; or 2 years experience with organisational management systems in the aviation industry.

Microlight Aircraft Operation		
Senior person responsible for adventure aviation operations	Document required	CPL (M)
	PIC experience required	150 hours experience as PIC on the category of aircraft to be operated by the certificate holder; and 500 hours TT PIC; or Experience acceptable to the Director in the type of adventure aviation operation to be performed.
	Managerial experience required	3 years experience in an operational control position that is acceptable to the Director.

Microlight Aircraft Operation		
Senior person responsible for crew training and competency assessment	Document required	Microlight instructor certificate issued by a microlight organisation that has been certificated under Part 149.
	Currency	Meets currency requirement to act as PIC in at least one type of the certificate holder's aircraft, with 500 hours experience in that category of aircraft.
	Managerial experience required	2 years experience as a qualified instructor for a microlight organisation that has been certificated under Part 149; or 2 years experience in a pilot check and training role that is acceptable to the Director.
Senior person responsible for the control and direction of maintenance	Document required	LAME or able to successfully complete a test or examination administered by the Director to determine the applicant's competency to perform maintenance planning and maintenance control functions.
	Vocational experience required	Demonstrable knowledge and understanding of the certificate holder's exposition and maintenance programme requirements, and Sufficient knowledge of microlight aircraft maintenance to ensure that all microlight aircraft operated under the certificate holder's authority are maintained in an airworthy condition, and that all maintenance activities required by the certificate holder's maintenance programme are satisfactorily accomplished.

Microlight Aircraft Operation		
	Aviation experience required	3 years of relevant experience that is acceptable to the Director.
Senior person responsible for safety management	Competency	Demonstrate competency relevant to systems of safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
	Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.
Senior person responsible for the organisational management system	Document required	Certificate of training for Quality Assurance that is acceptable to the Director.
	Vocational experience required	Demonstrable knowledge and awareness of general quality assurance/quality management systems and 3 years of experience in an operational role in the aviation industry; or 2 years experience with organisational management systems in the aviation industry.