



PURSUANT to Section 30 of the Civil Aviation Act 1990

I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,
HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *20th* day of *November* 2007

by **HARRY JAMES DUYNHOVEN**

Minister for Transport Safety

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven'. The signature is stylized and cursive, with a large loop at the end.

Civil Aviation Rules

Part 119, Amendment 10

Air Operator - Certification

Pilot Experience Levels

Docket 6/CAR/3

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Rule objective

The objective of amendment 10 to Part 119 is to amend the minimum qualifications and experience for the senior person responsible for air operations to complement amendments to Rule Part 135 pilot experience levels.

Amendment 10 to Part 119 is associated with the following amendments to other Parts:

- Amendment 8 to Part 61
- Amendment 17 to Part 135

Extent of consultation

In 2006 the CAA published a Project Scope Statement on its website informing industry of the proposal to amend pilot experience levels required by Part 135 and inviting interested persons to contact the CAA.

A Project Working Group (PWG) consisting of CAA and industry representatives was formed to assist with technical aspects of the proposed rule amendments. The PWG was made up of representatives from general aviation (fixed wing and rotary operators), Aviation Industry Association, Aviation Community Advisory Group (ACAG), and technical experts from CAA.

The PWG met twice, as well as communicating via email and phone before concluding its work in mid 2006. The CAA continued to refine the draft rule proposals during 2006 and released the draft rules to a representative industry group for comment before they were published for public consultation.

A Notice of Proposed Rulemaking, NPRM 07-04, containing the proposed rule amendments to Parts 61, 119, and 135 was issued for public consultation under Docket 6/CAR/3 on 19 October 2006.

The publication of this NPRM was notified in the Gazette on 19 October 2006 and advertised in the daily newspapers in the five main provincial centres on 21 October 2006. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative

organisations who were considered likely to have an interest in the proposal.

A period of 41 days was allowed for comment on the proposed rule and this was extended upon industry request for a further 7 days.

Summary of submissions

Nine written submissions were received on the NPRM including four submissions that addressed the issue of flight and managerial experience for the senior person responsible for air operations under Part 135.

These submissions and comments have been considered by the assigned CAA technical staff and as a result some changes have been made to the proposed rule amendment to Part 119 concerning requirements for the senior person responsible for air operations.

A summary of the submissions was published on the CAA's website on the 31 January 2007 and are referenced at the end of this document, with the complete details attached to amendment 17 to Part 135.

The NPRM proposal to revoke rule 119.169 has been superseded by amendment 7 to Part 119 and therefore no further amendment action is required for this rule.

The rule as amended was then referred to Parliament's Regulations Review Committee before being referred to the Minister for Transport Safety. The committee raised a concern about Appendix B.1 where the Director is provided with a power of discretion on what experience might be acceptable for a person to be accepted as a senior person responsible for air operations, but was silent on what the Director should take into consideration when exercising that discretion. The appendix was amended to include details of the types of experience that the Director may consider when assessing the acceptability of a person for the senior person role.

The rule as amended was then referred to the Minister for Transport Safety for consideration and signature.

Examination of submissions

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

Insertion of Amendments

The amendments to the rules in this Part are reflected by the revocation of existing rules and replacing with new rules.

Effective date of rule

Amendment 10 to Part 119 comes into force on 20 December 2007.

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 119 Amendments

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

Table B.1 of Appendix B is revoked and replaced by the following:

B.1 Senior person responsible for air operations

Part 135 Operation		
	Greater than 3 aircraft or greater than 2 bases	Less than 4 aircraft and less than 3 bases
Document required	Commercial Pilot Licence, with Instrument Rating if operations include IFR	Commercial Pilot Licence, with Instrument Rating if operations include IFR
Pilot-in-command experience	3 years as pilot-in-command under Part 135 operations and 750 hours flight time during air operations on the same category of aircraft to be operated, with experience in the same or similar type of air operation to be performed that is acceptable to the Director; and 75 hours actual or simulated instrument time if operations include IFR; or ↓	500 hours flight time during air operations on the same category of aircraft to be operated, with experience in the same or similar type of air operation to be performed that is acceptable to the Director; and 75 hours actual or simulated instrument time if operations include IFR; or ↓
Managerial experience	3 years in an operational control position with experience, including flight experience, appropriate to the type of air operation to be performed that is acceptable to the Director.	2 years in an operational control position with experience, including flight experience, appropriate to the type of air operation to be performed that is acceptable to the Director.

For assessing the above senior person experience requirements, the Director may consider the following:

- (a) for a senior person qualifying under the pilot-in-command requirements, the Director may consider experience in the same types of air operations or similar types of air operations involving similar operating environment, types of equipment and aircraft configurations including operations in a military or similar type of service:
- (b) for a senior person qualifying under the managerial experience requirements, the Director may consider flight operational control experience, or similar experience, in air operations or other similar transport type operations in a military or similar type of service.

Consultation Details

(This statement does not form part of the rules contained in Part 119. It provides details of the consultation undertaken in making the rules.)

A Notice of Proposed Rulemaking, NPRM 07-04 Part 135 Pilot Experience Levels, containing the proposed rules was issued for public consultation under Docket 6/CAR/3 on 19 October 2006.

The purpose of NPRM 07-04 was to put forward for consultation amendments to Part 135, Air Operations – Helicopters and Small Aeroplanes, along with associated changes to Parts 61 and 119 relating to pilot experience levels for operations under Part 135.

The proposed rule amendments to Part 135 were to raise the minimum flight time experience for pilots conducting air operations under Instrument Flight Rules (IFR) and clarify the requirements for consolidation flight time on different make and models of aircraft. The proposed amendments provide a graduated scale for Part 135 pilot experience requirements according to the complexity of the operation.

The proposed rule amendments to Part 61 were to add pilot-in-command under supervision (PIC/US) as a function of a pilot to meet the requirements of amendments to rule 135.505. The proposed rules also clarify how PIC/US flight time is to be logged.

The proposed rule amendments to Part 119 were to increase the minimum qualifications and experience requirements for the senior person responsible for air operations under Part 135 proportionally to the proposed increases for pilots operating under Part 135.

Comments arising from NPRM

Nine responses to the NPRM were received, mostly in relation to the Part 135 and Part 119 changes.

Comments on NPRM 07-04

NPRM 07-04 was issued for public comment on 19 October 2006, with submissions closing on 1 December 2006. At the request of several submitters this date was extended by 7 days to 8 December 2006. Submissions were received from a number of General Aviation operators and Aviation Industry Association.

The detailed summary of consultation details relating to NPRM 07-04 is contained in the consultation details of amendment 17 to Part 135. The submissions and all background material used in developing the rules are held on the docket file and are available for public inspection at Aviation House, 10 Hutt Road, Petone. Persons wishing to view the docket should contact the Docket Clerk on Phone +64 4 560 9603 and ask for docket 6/CAR/3.