



PURSUANT to Section 28 of the Civil Aviation Act 1990

I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *16th* day of *May* 2006

by **HARRY JAMES DUYNHOVEN**

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', is written over the printed name. The signature is stylized and cursive.

Minister for Transport Safety

Civil Aviation Rules

Part 133, Amendment 1

Helicopter External Load Operations

Docket 3/CAR/4

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Rule objective

The objective of Amendment 1 to Part 133 is to make editorial and minor technical changes as part of a general rule fix up project.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 05-07, containing the proposed changes to Part 133 was issued for public consultation under Docket 3/CAR/4 on 23 June 2005.

The publication of this NPRM was notified in the *Gazette* on 23 June 2005 and advertised in the daily newspapers in the five main provincial centres on 25 June 2005. 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 37 days was allowed for comment on the proposed rule.

New Zealand Transport Strategy

The development of the NPRM and the proposed rule changes takes into account the objectives of the New Zealand Transport Strategy (NZTS) and the provisions of the Civil Aviation Amendment Act (No 2) 2004.

Summary of submissions

Nine written submissions were received on the NPRM. One submission was received on the proposed amendments to Part 133. A CAA Flight Operations inspector submitted that rule 133.69 and rule 133.55 should be amended in relation to risk assessments. The CAA agrees and these rules are addressed in Omnibus Project 5/CAR/3 presently under development.

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

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 the existing rule and the substitution of the new rule.

Effective date of rule

Amendment 1 to Part 133 comes into force on 22 June 2006.

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

Part 133 Helicopter External Load Operations

Subpart A – General

Rule 133.5 is revoked and the following new rule is substituted:

133.5 Pilot licence requirements

(a) A pilot-in-command performing a helicopter external load operation must hold—

- (1) a current commercial pilot licence (helicopter); or
- (2) a current private pilot licence (helicopter), if a flight instructor (helicopter) has certified in the pilot's logbook that the pilot has satisfactorily completed the flight training required by rule 61.153 for the carriage of sling loads.

(b) Notwithstanding paragraph (a)(2), a pilot-in-command performing a helicopter winching, rappelling, or human sling load operation must hold a current commercial pilot licence (helicopter).

(c) Notwithstanding paragraphs (a) and (b), a pilot under training may act as pilot-in-command on a helicopter external load training operation without a current commercial pilot licence (helicopter), or a current private pilot licence (helicopter), if authorised to do so immediately before the operation by the holder of a flight instructor rating (helicopter).

Subpart B — Operating Rules and Related Requirements

Rule 133.51 is revoked and the following new rule is substituted:

133.51 Minimum safe height

(a) Notwithstanding rule 91.311, a pilot-in-command performing a helicopter external load operation may, if necessary for the proper accomplishment of the operation, conduct the operation, including approaches, departures, and load positioning manoeuvres necessary for the operation, below a height of 500 feet above the surface and closer than 150 metres to a person, vessel, vehicle, and structure, if the

operation is conducted without creating a hazard to a person or property on the surface.

(b) A pilot-in-command performing a helicopter external load operation must ensure that the flight is conducted at an altitude, and on a route, that allows a jettisonable external load to be released and the helicopter landed in an emergency without hazard to a person or property on the surface.

Consultation Details

(This statement does not form part of the rules contained in Part 133. It provides details of the consultation undertaken in making the rules.)

Comments arising from the NPRM

The rule amendment was developed under Docket 3/CAR/4 and published as NPRM 05-07. The consultation details relating to Docket 3/CAR/4 are detailed in each affected rule.

Nine written submissions were received on the NPRM and one commented on the proposed amendments to Part 133.

A CAA Flight Operations inspector submitted that rules 133.69(iv) and 133.55 should be amended to require the operator to carry out a risk assessment to ensure that the exposure to danger for persons and property on the ground are reduced to acceptable levels or use similar wording to rule 135.93(a)(1)(ii). The present wording of "no exposure" is impossible to meet.

CAA comment: *The CAA agrees and is addressing these issues under Omnibus Project 5/CAR/3 presently under development.*

The comments and all background material used in developing these rules are held on the docket. The docket is available for public inspection at Aviation House, 10 Hutt Road. Persons wishing to view the docket should contact the Docket Clerk on Phone 64-4-560-9603 and ask for docket 3/CAR/4.