



**PURSUANT** to Sections 28 and 29 of the Civil Aviation Act 1990

**I, HARRY JAMES DUYNHOVEN**, Minister for Transport Safety,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This **24<sup>th</sup>** day of **September** 2007

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 3**

**Helicopter External Load Operations**

*Docket 5/CAR/3*

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**Rule objective**

The objective of amendment 3 to Part 133 is to make minor and technical changes as part of a general rule fix up project.

**Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 06/02, containing the proposed changes to Part 133 was issued for public consultation under Docket 5/CAR/3 on 13 April 2006.

The publication of this NPRM was notified in the Gazette on 13 April 2006 and advertised in the daily newspapers in the five main provincial centres on 13 April 2006. The NPRM was published on the CAA web site and mailed to 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.

Following public notifications of this NPRM, a supplementary NPRM proposing amendments to Part 67 Medical Standards and Certification was Gazetted on 11 May 2006 with a submission closing date of 8 June 2006. This proposal was distributed to all DME's via email.

A period of 29 days was allowed for comment on this proposed rule.

**Summary of submissions**

Two submissions were received by the closing date of the original NPRM issued 13 April 2006, both of which were in regard to rule 121.91- Refuelling and defuelling operations. In addition to the comments received from industry. One comment was also received from within the CAA in regard to Part 133 - Helicopter External Load Operations. As a result, the rule was amended to remove references to the 'Chief Inspector' in order to be consistent with Rule Part 92.

One submission was received in relation to the supplementary NPRM issued on 11 May 2006 proposing changes to Part 67.

In addition to the amendment mentioned above, after further internal CAA review minor corrections were made to the proposed rule changes to clarify the requirements. The rule as amended 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 insertion of the amended rule.

### **Effective date of rule**

Amendment 3 to Part 133 comes into force on 25 October 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 133 Amendments

### 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 of a helicopter performing a helicopter external load operation may, if necessary for the accomplishment of the operation, conduct the operation, including approaches, departures, and load positioning manoeuvres necessary for the operation, at a height less than 500 feet above the surface and closer than 150 metres to a person, vessel, vehicle, and structure, if reasonable care is taken to conduct the operation without creating a hazard to any person or property on the surface.

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

*Rule 133.65 is revoked and the following new rule is substituted:*

#### **133.65 Dangerous Goods**

(a) A pilot-in-command of a helicopter may accept Class 1 dangerous goods for carriage as an underslung load beneath a helicopter without complying with Part 92, if—

- (1) carriage of the dangerous goods is approved by an approved handler as defined in Part 92; and
- (2) safety, and emergency procedures are established for the carriage of the dangerous goods; and
- (3) the dangerous goods are—
  - (i) in a proper condition for carriage by air; and

- (ii) stowed and secured for safe carriage; and
  - (4) the operation is performed clear of any congested area of a city, town or settlement.
- (b) A pilot-in-command of a helicopter may accept Class 2 to Class 9 dangerous goods for carriage as an underslung load beneath a helicopter without complying with Part 92 if—
- (1) the carriage of the dangerous goods are not forbidden by the Technical Instructions; and
  - (2) safety and emergency procedures have been established for the carriage of the dangerous goods; and
  - (3) each item of dangerous goods is identified; and
  - (4) the pilot-in-command is informed of the hazardous nature of the dangerous goods; and
  - (5) the dangerous goods are—
    - (i) in a proper condition for carriage by air; and
    - (ii) segregated if they are likely to react dangerously together; and
    - (iii) stowed, secured, and, if necessary, packed, to prevent leakage or damage in flight.

***Rule 133.69 is revoked and the following new rule is substituted:***

**133.69 Operations over congested areas**

A pilot-in-command of a helicopter performing a helicopter external load operation over or adjacent to a congested area of a city, town, or settlement must—

- (1) prepare a plan of the operation in conjunction with, and for the briefing of, every person involved in the operation containing—
  - (i) a chart depicting flight routes and altitudes; and

- (ii) a means for avoiding obstructions to flight; and
  - (iii) details of the actions to be taken in the event of a serious malfunction of the helicopter; and
  - (iv) risk assessment and mitigation procedures developed from the Risk Management Standard published by Standards New Zealand, to ensure that reasonable care is taken to conduct the operation without creating a hazard to any person or property on the surface; and
  - (v) any co-ordination necessary with air traffic control service; and
- (2) keep the plan, referred to in paragraph (1), for a period of at least 6 months from the date the operation is performed; and
  - (3) give prior written notification to the appropriate territorial authority; and
  - (4) comply with any requirements made by the territorial authority; and
  - (5) give prior public notice of the operation by an effective means.

## Subpart F — Instruments and Equipment

*Rule 133.255 is revoked and the following new rule is substituted:*

### **133.255 External Load Equipment**

An operator performing a helicopter external load operation must ensure that the helicopter is equipped with—

- (1) a cargo hook, or similar device, approved by the helicopter manufacturer for use on the helicopter, or approved and installed in accordance with a design change under Subpart C of Part 21; and
- (2) external load equipment that—

- (i) is appropriate and of a standard that prevents breakage to it or damage to the helicopter; and
- (ii) when a person is carried using the equipment, can withstand a loading of 3.75 times the weight of the load.

**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.)*

A Notice of Proposed Rulemaking, NPRM 06-02 Omnibus Rule Fix Up, containing the proposed rules was issued for public consultation under Docket 5/CAR/3 on 13 April 2006.

A supplementary NPRM proposing amendments to Part 67 Medical Standards and Certification was published under the same docket number on 11 May 2006.

Two submissions were received by the closing date of the original NPRM issued 13 April 2006, both of which were in regard to rule 121.91- Refuelling and defuelling operations. In addition to the comments received from industry. One comment was also received from within the CAA in regard to Part 133 - Helicopter External Load Operations. As a result, the rule was amended to remove references to the 'Chief Inspector' order to be consistent with Rule Part 92.

One submission was received in relation to the supplementary NPRM issued on 11 May 2006 proposing changes to Part 67.