



PURSUANT to Section 28 of the Civil Aviation Act 1990

I, CRAIG FOSS, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This

8th

day of

March

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.

Civil Aviation Rules
Part 137, Amendment 6
Agricultural Aircraft Operations
Docket 4/CAR/4

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Rule objective

The objective of Amendment 6 to Part 137 is to incorporate changes consequential to the introduction in Part 61 Re-Issue of rating standards for agricultural pilots.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 09-02, containing the proposed rule *Part 61 Pilot Licences and Ratings* was issued for public consultation under Docket 4/CAR/4 on 29 November 2012.

The publication of this NPRM was notified in the Gazette on 29 November 2012. 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 64 days was allowed for comment on the proposed rule.

Summary of submissions

One hundred and seventy-two written submissions were received on the NPRM. No submissions related to the proposed changes.

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.

Effective date of rule

Amendment 6 to Part 137 comes into force on 15 April 2016.

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 137 Agricultural Aircraft Operations

Subpart A — General

Rule 137.3 is revoked and replaced by the following rule:

137.3 Pilot qualifications

(a) A pilot of an aircraft performing an agricultural aircraft operation for the purpose of aerial topdressing, aerial spraying, or aerial VTA must hold the current and appropriate agricultural ratings in accordance with Part 61.

(b) Despite paragraph (a), a pilot is not required to hold an agricultural rating if they are training for an agricultural, aerial topdressing, aerial spraying, or aerial VTA rating under the direct supervision of a holder of a category E flight instructor rating issued in accordance with Part 61.

Rule 137.63 is revoked and replaced by the following rule:

137.63 Operations over non-congested areas

(a) Despite rule 91.311(a)(2), a pilot performing, or being trained to perform, an agricultural aircraft operation over any area other than a congested area of a city, town, or settlement, may fly at any height above the surface and at any distance from an obstruction if—

- (1) the pilot takes reasonable care to perform the operation without creating a hazard to any person or property on the surface; and
- (2) the height flown and the distance from any obstruction for an approach, turnaround, and departure is not less than that necessary for the effective and safe conduct of the operation.

(b) Despite rule 91.311(a)(2), a pilot performing, or being trained to perform, an agricultural aircraft operation over any area other than a congested area of a city, town, or settlement, may fly between a loading area and the associated treatment area, or between one treatment area and the next at a height less than that required by rule 91.311(a)(2) if—

- (1) the distance is less than 5 nautical miles; and
- (2) the pilot takes reasonable care to conduct the flight without creating a hazard to any person or property on the surface.

Subpart E — Commercial Operations – Operating Requirements

Rule 137.203 is revoked and replaced by the following rule:

137.203 Remote base operations

The holder of an agricultural aircraft operator certificate who performs a commercial agricultural aircraft operation for a period of 14 or more consecutive days from a base which is not the operator's principal place of operation must appoint a base pilot who—

- (1) holds a current agricultural rating; and
- (2) is responsible for the operations from that remote base; and
- (3) may be responsible for arranging work rosters and maintaining records.

Consultation Details

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

A Notice of Proposed Rulemaking, NPRM 09-02 Part 61 Review, Stage 2, containing the proposed rules was issued for public consultation under Docket 4/CAR/4 on 29 November 2012.

172 responses to the NPRM were received.

The NPRM proposed the introduction of three new ‘authorisations’ for agricultural application – aerial top dressing, spray application and Vertebrate Toxic Agent application. These would still sit under an overall Agricultural rating, which would be confirmed as a prime rating (i.e. issued as an aviation document by the Director).

There was minimal comment on this proposal. One submitter suggests that agricultural ratings should include a requirement to pass a written exam, as well as the current oral and flight demonstrations.

Further discussions with industry since this time, through the Agricultural Sector Risk Profile work has confirmed that this change is warranted due to the lack of consistency in rating practices in the agricultural field. However, as the CAA is no longer introducing the concept of authorisations into the licensing framework at this time, the three new ‘authorisations’ will be drafted as ‘ratings’ issued as normal in the pilot log book.