



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, JENNIFER MARY SHIPLEY, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *17th* day of *February* 1997

by

Jennifer Mary Shipley
Minister of Transport

Civil Aviation Rules

Part 149

Aviation Recreation Organisations — Certification

Docket Nr. 1140

**Civil Aviation Rules
Part 149**

**Aviation Recreation Organisations —
Certification**

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Part 149 is to establish the certification and operating standards for organisations which require an aviation recreation organisation certificate in order to exercise the privileges of those certificates.

In May 1990 the Air Transport Division of the Ministry of Transport published a notice of intention to carry out a complete review of the aviation regulatory system. This notice, in Civil Aviation Information Circular Air 3, listed the areas in which rules would be made and invited interested parties to register their wish to be part of the consultative process. The Register was identified as the Regulatory Review Consultative Group.

A draft of Part 149 was developed by the rules rewrite team in consultation with members of the consultative group. An informal draft was published and distributed on 14 March 1995 and a period of informal consultation followed. This culminated in the issue of Notice of Proposed Rule Making 95-6 under Docket 1140 on 22 November 1995.

The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 22 November 1995. The notice was mailed to members of the Regulatory Review Consultative Group and to other parties, including overseas Aviation Authorities and organisations, who were considered likely to have an interest in the proposal.

A period of 72 days was allowed for comment on the proposed rule.

The submissions and verbal comments were considered and where appropriate the proposed rules amended to take account of the comments made.

The rules as amended were then referred to and signed by the Minister of Transport.

Part 149 comes into force on 1 April 1997.

List of Rules

Subpart A — General

149.1	Applicability.....	3
149.3	Requirement for certificate.....	3
149.5	Application for certificate.....	3
149.7	Issue of certificate.....	3
149.9	Privileges of certificate holder	3
149.11	Duration of certificate.....	4
149.13	Renewal of certificate	4
149.15	Exemptions.....	4

Subpart B — Certification Requirements

149.51	Personnel requirements	4
149.53	Facility requirements	5
149.55	Documentation	5
149.57	Records	5
149.59	Personnel certification	6
149.61	Aviation events.....	6
149.63	Internal quality assurance	6
149.65	Organisation exposition.....	8

Subpart C — Operating Requirements

149.101	Continued compliance.....	9
149.103	Changes to certificate holder's organisation.....	10
149.105	Safety inspections and audits	11

Subpart A — General

149.1 *Applicability*

This Part prescribes rules governing the certification and operation of aviation recreation organisations.

149.3 *Requirement for certificate*

No aviation recreation organisation shall administer the issue of an aviation document, that is required by the Civil Aviation Rules for the certification or rating of personnel, except in accordance with the provisions of—

- (1) an aviation recreation organisation certificate issued under this Part; or
- (2) a microlight organisation certificate issued under Part 103 that was current on 1 April 1997.

149.5 *Application for certificate*

Each applicant for the grant of an aviation recreation organisation certificate shall complete form CAA 24149/01 and submit it to the Director with—

- (1) the exposition required by 149.65; and
- (2) payment of the appropriate application fee prescribed by regulations made under the Act.

149.7 *Issue of certificate*

An applicant is entitled to an aviation recreation organisation certificate if the Director is satisfied that—

- (1) any senior person or persons required by 149.51(a)(1), (2) and (3), are fit and proper persons; and
- (2) the applicant meets the requirements of Subpart B; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.

149.9 *Privileges of certificate holder*

The holder of an aviation recreation organisation certificate may—

- (1) administer the issue of the personnel certificates and ratings that are specified on that certificate and for which a senior person or persons hold a delegation; and

- (2) organise aviation events, in accordance with Part 91, where that privilege is specified on the certificate; and
- (3) exercise any other privileges required by CAR to be exercised by a Part 149 organisation, where that privilege is specified on the certificate.

149.11 Duration of certificate

- (a) An aviation recreation organisation certificate may be granted or renewed for a period of up to 5 years.
- (b) An aviation recreation organisation certificate remains in force until it expires or is suspended or revoked.
- (c) The holder of an aviation recreation organisation certificate that is revoked shall forthwith surrender the certificate to the Director.
- (d) The holder of an aviation recreation organisation certificate that is suspended shall forthwith produce the certificate to the Director for appropriate endorsement.

149.13 Renewal of certificate

- (a) An application for the renewal of an aviation recreation organisation certificate shall be made on form CAA 24149/01.
- (b) The application shall be submitted to the Director before the application renewal date specified on the certificate or, if no such date is specified, not less than 30 days before the certificate expires.

149.15 Exemptions

The Director may exempt any person from any requirement in this Part following the procedures prescribed in Part 11 and in accordance with section 37 of the Act.

Subpart B — Certification Requirements

149.51 Personnel requirements

- (a) Each applicant for the grant of an aviation recreation organisation certificate shall engage, employ, or contract—
 - (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be carried out in accordance with the requirements prescribed by this Part:

- (2) a senior person or persons who will hold any delegation from the Director for the issue of personnel certificates and ratings;
 - (3) a senior person or group of senior persons who are responsible for ensuring that the applicant's organisation complies with the requirements of this Part. Such nominated person or persons shall be ultimately responsible to the Chief Executive;
 - (4) sufficient personnel to carry out the activities listed in the applicant's exposition.
- (b) The applicant shall—
- (1) establish procedures to assess, and to maintain, the competence of those personnel who are responsible for carrying out the activities listed in the applicant's exposition; and
 - (2) establish procedures for the exercise of any delegation held by a senior person or persons; and
 - (3) provide personnel with responsibilities under this Rule with written authorisation to fulfil those responsibilities.

149.53 Facility requirements

Each applicant for the grant of an aviation recreation organisation certificate shall ensure the provision of facilities and resources appropriate to the activities listed in the applicant's exposition.

149.55 Documentation

(a) Each applicant for the grant of an aviation recreation organisation certificate shall hold copies of all relevant equipment manuals, technical standards and practices, technical bulletins and instructions, legislation, and any other document that is necessary to establish procedures for the activities listed in the applicant's exposition. This documentation shall include Human Factors material relevant to management and organisations.

(b) The applicant shall establish a procedure to control and amend all applicable documents required by paragraph (a).

149.57 Records

(a) Each applicant for the grant of an aviation recreation organisation certificate shall establish procedures to identify, collect, index, store, maintain, and dispose of the records that are necessary for the activities listed in the applicant's exposition.

(b) The procedures shall ensure that—

- (1) there is a record of each internal quality assurance action performed by the applicant's organisation in accordance with the procedures specified in 149.63; and
- (2) there is a record for each person who conducts activities on behalf of the applicant's organisation. The record shall include details of their experience, qualifications, training, and competence assessments; and
- (3) there is a record of each personnel certificate and rating issued by the organisation; and
- (4) all records are legible; and
- (5) all records are retained for a period of at least 3 years from the date of the last entry made on that record.

149.59 Personnel certification

(a) Each applicant for the grant of an aviation recreation organisation certificate for the issue of personnel certificates or ratings shall establish procedures for—

- (1) assessing the competency of persons, including holders of equivalent qualifications; and
- (2) issuing the certificates and ratings listed in the applicant's exposition; and
- (3) reviewing and maintaining the competency of persons holding certificates or ratings issued under delegated authority from the Director.

(b) The procedures required by paragraph (a) shall include procedures for satisfying the requirements of sections 8, 9, and 10 of the Act.

149.61 Aviation events

Each applicant for the grant of an aviation recreation organisation certificate that authorises them to organise aviation events shall establish procedures to ensure compliance with Part 91.

149.63 Internal quality assurance

(a) Each applicant for the grant of an aviation recreation organisation certificate shall establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.

(b) The internal quality assurance system shall include—

- (1) a **safety policy** and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its members; and
 - (2) a procedure to ensure **quality indicators**, including personnel and member feedback, are monitored to identify existing problems, or potential causes of problems, within the system; and
 - (3) a procedure for **corrective action**, to ensure existing problems that have been identified within the system are corrected; and
 - (4) a procedure for **preventive action**, to ensure that potential causes of problems that have been identified within the system are remedied; and
 - (5) an **internal audit** programme to audit the applicant's organisation for conformity with its safety policy; and
 - (6) **management review** procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures shall ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedures for corrective action shall specify how—
- (1) existing problems are corrected; and
 - (2) corrective action is followed up to ensure the action is effective; and
 - (3) procedures are amended as a result of corrective action; and
 - (4) management will review the effectiveness of any corrective action taken.
- (e) The procedure for preventive action shall specify how—
- (1) potential problems are corrected; and
 - (2) preventive action is followed up to ensure the action is effective; and
 - (3) procedures are amended as a result of preventive action; and
 - (4) management will review the effectiveness of any preventive action taken.
- (f) The internal audit programme shall—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and

- (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
 - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
 - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
 - (5) ensure there are follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review shall—
- (1) specify the frequency of management reviews of the quality assurance system, taking into account the need for the continuing effectiveness of the system; and
 - (2) identify the responsible manager who shall review the quality assurance system; and
 - (3) ensure that the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive on matters affecting safety.

149.65 Organisation exposition

- (a) An applicant for the grant of an aviation recreation organisation certificate shall provide the Director with an exposition which shall contain, where applicable—
- (1) a statement signed by the Chief Executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—
 - (i) define the organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) will be enforced at all times; and
 - (2) the titles and names of the senior person or persons required by 149.51(a)(1), (2), and (3); and
 - (3) the duties and responsibilities of the senior person or persons specified in 149.51(a)(1), (2), and (3), including matters for which

- they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
- (4) an organisation chart showing lines of responsibility of the senior persons specified in 149.51(a)(3) and extending to each location listed under paragraph (a)(6) of this rule; and
 - (5) a description of the activities to be conducted under the certificate; and
 - (6) the principal locations at which each activity will be conducted; and
 - (7) a description of the facilities required by 149.53; and
 - (8) details of the procedures required by—
 - (i) 149.51(b)(1) regarding the competence of personnel; and
 - (ii) 149.51(b)(2) regarding the exercise of any delegation held by a senior person or persons; and
 - (iii) 149.55(b) regarding the control and amendment of documentation; and
 - (iv) 149.57(a) regarding the identification, collection, indexing storage, maintenance, and disposal of records; and
 - (v) 149.59(a) regarding the assessment of personnel, the issue of certificates and ratings, and the review and maintenance of competency of certificate and rating holders; and
 - (vi) 149.61 regarding the organisation of aviation events; and
 - (vii) 149.63 regarding the internal quality assurance of the organisation; and
 - (9) procedures to control, amend, and distribute the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

Subpart C — Operating Requirements

149.101 Continued compliance

Each holder of an aviation recreation organisation certificate shall—

- (1) hold at least one complete and current copy of their exposition at each principal location specified in their exposition; and
- (2) comply with all procedures detailed in the exposition; and

- (3) make each applicable part of their exposition available to personnel who require those parts to carry out their duties; and
- (4) continue to meet the standards and comply with the requirements of Subpart B; and
- (5) forthwith notify the Director of any change of address for service, telephone number, or facsimile number required by form CAA 24149/01.

149.103 Changes to certificate holder's organisation

- (a) Each holder of an aviation recreation organisation certificate shall ensure that their organisation exposition is amended so as to remain a current description of the holder's organisation.
- (b) The certificate holder shall ensure that any amendments made to the holder's exposition meet the applicable requirements of this Part and comply with the amendment procedures contained in the holder's exposition.
- (c) The certificate holder shall provide the Director with a copy of each amendment to the holder's exposition as soon as practicable after its incorporation into the exposition.
- (d) Subject to paragraph (e), where a certificate holder proposes to make a change to any of the following, prior notification to and acceptance by the Director is required:
 - (1) the Chief Executive;
 - (2) the listed senior persons;
 - (3) the holder or holders of any delegation made by the Director;
 - (4) the activities authorised by the certificate;
 - (5) the principal locations at which the activities may be carried out;
 - (6) the procedures for personnel assessment and certification;
 - (7) the procedures for organising aviation events.
- (e) Where a certificate holder is a society incorporated under the Incorporated Societies Act 1908 and an election by members of the Society results in a new Chief Executive or listed senior person, the holder shall notify the Director of the change within 7 days of the election.
- (f) The Director may prescribe conditions under which a certificate holder may operate during or following any of the changes specified in paragraph (d).

(g) A certificate holder shall comply with any conditions prescribed under paragraph (f).

(h) Where any of the changes referred to in this rule requires an amendment to the certificate, the certificate holder shall forward the certificate to the Director as soon as practicable.

(i) The certificate holder shall make such amendments to the holder's exposition as the Director may consider necessary in the interests of aviation safety.

149.105 Safety inspections and audits

(a) The holder of an aviation recreation organisation certificate may be required by the Director, in writing, to undergo or carry out such inspections and audits of the holder's activities at their principal locations including facilities, documents, and records as the Director considers necessary in the interests of civil aviation safety and security in accordance with section 15 of the Act.

(b) The Director may require the holder of an aviation recreation organisation certificate to provide such information as the Director considers relevant to the inspection or audit.

CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 149.
It provides details of the consultation undertaken in making the rules.)

Background to the Rules

In April 1988 the Swedavia-McGregor Report on civil aviation regulation in New Zealand was completed. Following the recommendations contained in that report, the Civil Aviation Authority (CAA) (formerly the Air Transport Division of the Ministry of Transport) commenced a complete review of all existing civil aviation legislation. The existing legislation that is still appropriate is being rewritten into the new *Rules* format. New legislation is being generated where necessary for the areas not presently covered.

Considerable research was carried out to determine the format for the new legislation. It was decided that the legislative framework should incorporate the advantages of the regulatory system of the Federal Aviation Administration (FAA) of United States of America and the system being developed by the European Joint Aviation Authorities and published as Joint Aviation Requirements (JAR).

The new rules are structured in a manner similar to the Federal Aviation Regulations (FAR) of the FAA, and aim to achieve maximum harmonisation whilst allowing for national variations. Close co-operation is also being maintained with the Civil Aviation Safety Authority of Australia to ensure maximum harmonisation with their regulatory code.

New Zealand's revised legislation is published as Civil Aviation Rules (CAR) which is divided into Parts. Each Part contains a series of individual rules which relate to a particular aviation activity.

Accompanying most Parts will be at least one associated Advisory Circular (AC) which will expand, in an informative way, specific requirements of the Part and acceptable means of compliance. For instance an AC may contain examples of acceptable practices or procedures which would meet the requirements of a particular rule.

The CAR numbering system is based on the FAR system. As a general principle the subject matter of a rule Part will be the same or similar to the FAR although the title may differ to suit New Zealand terminology. Where a CAR Part does not readily equate with a FAR number code, a number has been selected that does not conflict with any existing FAR Part.

The objective of the new rules system is to strike a balance of responsibility between the State authority and those who provide services and exercise privileges in the civil aviation system. This balance must enable the State authority to set standards for, and monitor performance of, aviation participants

whilst providing the maximum flexibility for the participants to develop their own means of compliance.

Section 12 of the Civil Aviation Act 1990 requires participants in the aviation system to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices. Section 28 of the Act allows the Minister to make ordinary rules.

Notice of Proposed Rule Making

To provide public notice of, and opportunity for comment on the proposed new rules, the Authority issued Notice of Proposed Rule Making 95-6 under Docket Number 1140 on 22 November 1995. This Notice proposed the introduction of Civil Aviation Rules Part 149 for the certification of aviation recreation organisations.

Supplementary Information

Comments made on the Notice of Proposed Rule Making are available in the rules docket for examination by interested persons.

Availability of the Document

Any person may view a copy of these rules at Aviation House, 1 Market Grove, Lower Hutt. Copies may be obtained from Publishing Solutions Ltd, PO Box 983, Wellington 6015, Telephone 0800 800 359.

Summary of Comments on Docket Number 1140 NPRM

The Auckland Gliding Club "views with real concern some of the proposed aspects to Part 149" and said "The proposals contained in Part 149 cannot be undertaken either by a governing body such as the NZGA Inc or by individual gliding clubs without the necessary financial and other resources".

Civil Aviation Authority response was to note these concerns and to have addressed them in the changes to the final draft.

The Auckland Gliding Club said, in regard to rule 149.51, that "An applicant for an aviation recreation organisation certificate should not be obliged to employ a Chief Executive who is personally responsible for the activities undertaken by the organisation. The functions of the Chief Executive as outlined in the NPRM should be capable of delegation to a 'group of senior persons' or to a 'group of senior persons of a particular class' such as the executive of the NZGA Inc".

Civil Aviation Authority response was that the rule requirement is standard for organisational rules, and that the authority to ensure that all activities can be carried out does in fact meet the submission.

The Auckland Gliding Club said, in regard to rule 149.75 of the NPRM, that "The obligation of the Chief Executive to certify compliance is an unrealistic expectation and should be deleted".

Civil Aviation Authority response has been to accept this point and to change the requirement to enforcing compliance.

Canterbury Microlight Aircraft Club (Inc) and **South Canterbury Microlight Club** both said they believe that Part 149 should only deal with matters pertaining to the setting up of an organisation and anything relating to the certification and operation of aircraft and the licensing of personnel should be dealt with in the relevant 100 series document.

Civil Aviation Authority response was to agree that the detail of personnel licensing (or certificates where the document is not issued directly by the CAA) does not belong in this organisational Part. However it also does not belong in an operational Part. It is therefore proposed to put all sport and recreational personnel certificates into a new Part 62 - Recreation Certificates and Ratings. Meanwhile those personnel certification requirements have been placed in Part 19 - Transition Rules.

Canterbury Microlight Aircraft Club (Inc) made eight detailed points on microlight certificates and ratings.

Hawkes Bay Microlight Club Inc. made four detailed points on microlight certificates.

Micro Aviation New Zealand Limited made two detailed points on microlight ratings and medicals.

South Canterbury Microlight Club made eight detailed points on microlight certificates and ratings.

An individual commentor made six detailed points on microlight certificates and ratings.

Another individual commentor made two detailed points on microlight certificates and ratings.

Civil Aviation Authority response to the above six submissions was that all these points will be used in developing the Advisory Circular for the appropriate rule Part.

The Co-ordinator Aviation Policy of the Ministry of Transport did "not see it as being either necessary or desirable for the Authority to delegate its standards development function to persons outside the Authority".

An individual commentor said "We fear that to devolve responsibilities completely to (a 149 organisation) will lower the licensing standards presently available".

Civil Aviation Authority response to the above two submissions was that the changes made to this Part have addressed these problems.

Hawkes Bay Microlight Club Inc said "We noted in aviation news that you welcome positive comments, not just negative ones. We have only made a few suggestions for amendment which indicates we generally support your proposals. We recognise that the aims of the NPRM are concerned with safety and general benefits to the pilots and to this end this NPRM makes a good start - thank you!".

Civil Aviation Authority response was to note this comment.

Micro Aviation New Zealand Limited said it is unclear in the rule and advisory circular who issues licences, certificate, and ratings.

Civil Aviation Authority response was that the issue of all licences will remain a direct CAA function. The issue of certificates will be an industry function under delegation from the Director. Ratings attach to either licences or certificates, and can be logbook entries, but the appropriate rules will make this clear.

The Microlight Aircraft Association of N.Z. (Inc) made several specific points and said "For the above reasons we are unable to support the NPRM Part 149 in its present form. Instead of being totally negative on this we propose to redraft the Part 149 rule and submit it to you for your consideration".

Civil Aviation Authority response was that most of the points raised by MANZ referred to the earlier draft of this Part and that most have now been addressed.

New Zealand Autogyro Association made four detailed points about experience requirements for rotary wing microlight certificates and ratings.

Civil Aviation Authority reply is that those points will be used in developing the Advisory Circular for the appropriate rule Part.

The New Zealand Gliding Association made very extensive submissions throughout the consultative process. These culminated in a consolidated submission of the outstanding points.

Civil Aviation Authority response was that most of the points raised by the NZGA had been addressed at an earlier stage of the consultative process and the consolidated submission is accepted as a record of the few points outstanding.

The New Zealand Gliding Association "maintains that CAR Part 149 fails to meet Aim (b) of the Rules process" to remove excessive costs of compliance from the New Zealand civil aviation system and "requests that an economic

analysis be conducted prior to the submission of CAR Part 149 to the minister for signature”.

The New Zealand Gliding Association “maintains that CAR Part 149 fails to meet Aim (d)(i) and Aim (d)(ii) of the Rules process” to allow the Civil Aviation Authority’s intervention in the civil aviation system to be reduced to the appropriate level, through a reduction in unnecessary regulatory requirements and/or the introduction of management systems including Quality Assurance (Self Review) and “recommends that reporting, record keeping, auditing, monitoring and inspection requirements be tailored for recreational groups rather than merely mimicking the requirements intended for Air Transport Operations”.

Civil Aviation Authority response to the above two submissions was that there were no excessive costs of compliance to remove in the pre-Part 149 system, nor was there any intervention that required to be reduced to an appropriate level. However it is not possible to compare the costs and intervention required by Part 149 with the previous situation, as the Act does not allow the previous situation to continue. Any comparison has to be between what Part 149 proposes, and any alternative methods of complying with the requirements of the Act.

In these circumstances, of a true comparison of the options that are actually available, Part 149 has minimised intervention and costs to the lowest appropriate level. The organisational requirements of Part 149 are standard for all organisational Parts; but these may be tailored to the organisational certificate sought, and to the specific privileges sought. In the case of Part 149, the exposition may merely be required to satisfactorily describe how a recreational organisation will provide its own pilot certification programme. An economic analysis was included in the NPRM and any further analysis could add little to this response.

The New Zealand Gliding Association says “The 5 yearly renewal of the certificate imposes increased costs for no apparent reason” and proposes “that aviation certificates be non-terminating for recreational organisations, subject to ongoing audit and monitoring by the Authority”.

Civil Aviation Authority response was that the personal certificates issued by the Part 149 organisations may be lifetime certificates the same as pilot licences. However the “life cycle” approach of Swedavia McGregor requires organisational certificates to terminate within 5 years.

The New Zealand Gliding Association says Part 149 “imposes a prescriptive requirement on the organisation, being the use of ICAO Human Factors Digest No 10 - Human Factors, management and Organisation, which is out of keeping with the context of the rest of the Rule” and “recommends that the requirement

to include Human Factors Digest No. 10 should be amended to require human factors, as a subject, to be included in the documentation and procedures listed in the applicant's exposition".

Civil Aviation Authority response was to accept this submission and transfer the name of the document, which is specifically recommended, from the Rule to the Advisory Circular.

The New Zealand Gliding Association says Part 149 "contains extensive informative material, indicating how internal quality assurance is to be achieved, which is out of keeping with the context of the rest of the Rule" and recommends this should be removed from the Rule and transferred to the Advisory Circular.

Civil Aviation Authority response was that this material originated as Advisory Circular material but was considered to merit upgrading to Rule status. This decision was revisited as a result of this submission and it was still considered, at least for the time being, that the detail is sufficiently important to be included in the rules.

The New Zealand Gliding Association says Part 149 "requires a democratic organisation to submit requests to the Director for changes to senior persons which may not be identified until following the completion of voting at an Annual General or Special General Meeting" and recommends this "be amended to require the Director to be notified immediately whenever a senior listed person is changed as a result of organisational changes or elections". The NZGA says "The Director always has the opportunity to oppose the appointment of an individual to certain responsibilities within the organisation under the 'fit and proper person' test provided by the Civil Aviation Act 1990".

Civil Aviation Authority response has been to accept this submission and amend 149.103.

The New Zealand Gliding Association "is concerned that CASO 17 will be retained in force for a period of 24 months after 1 April 1997".

Civil Aviation Authority response is that CASO 17 will be revoked on 31 March 1997. The operational detail of CASO 17 will be transferred to the consultative process for Part 104. The training and certification details will be transferred to Part 19, and then later to Part 62.

New Zealand Hang Gliding and Paragliding Association made a detailed submission and "strongly urges CAA to make a dispensation allowing operations for hire and reward to continue under the auspices of this Association".

Civil Aviation Authority response was that it has conducted a review of Adventure Aviation and plans to address this matter through the consultation process for Part 115 - Adventure Aviation.

New Zealand Parachute Federation say they "agree with the concept of certification as a means of maintaining and enhancing the level of safety in sports aviation".

Civil Aviation Authority response was to note this comment.

New Zealand Parachute Federation "believes that parachuting is so different from other aviation activities that the creation of a special commercial parachutist licence under Part 61 and/or the creation of a separate rule for commercial parachuting (or significant adjustment of Part 105) is not justified on either safety or economic grounds".

Civil Aviation Authority response was that there has been discussion between the CAA and the NZPF, since this submission, which has addressed these matters.

New Zealand Parachute Federation made detailed submissions on the privileges of certificate holders; operational procedures; maintenance procedures, and internal quality assurance.

Civil Aviation Authority response was that this detail has been superseded by changes in the focus of Part 149.

New Zealand Parachute Federation said of Rule 149.75(a)(11)(viii) of the NPRM, organisation exposition, that "All the other requirements call up the first paragraph of the relevant section which is a general statement of intent. This requirement should do the same".

Civil Aviation Authority response has been to make the change requested.

New Zealand Parachute Federation suggest that rule 149.75(b) of the NPRM be reworded "The applicants exposition must be acceptable to the Director in accordance with section 9 of the Act".

Civil Aviation Authority response was that all Civil Aviation rules must be in accordance with the Act.

New Zealand Parachute Federation and **Rural Aviation (1963) Ltd**, in regard to rule 149.103(a), both pointed out the word "exposition" should have been "organisation".

Civil Aviation Authority response has been to substitute the correct word.

New Zealand Parachute Federation made several detailed points on parachutist certification and medical requirements.

Civil Aviation Authority response to the above submissions was that these will be used in developing the Advisory Circular to the appropriate Part.

New Zealand Parachute Federation made comments about Part 149 Organisations controlling recreational activities.

Civil Aviation Authority response was that those activities, which either do not require a Part 149 certificate, or which are functions of the CAA itself, are no longer listed in Part 149.

New Zealand Parachute Federation says "Computerisation and the use of electronic based storage media is becoming more prevalent and should be included in the rule" and suggests Rule 149.55 include data control.

Civil Aviation Authority response was that electronic data is already included in the definition of documentation.

New Zealand Parachute Federation made several suggestions to reword Rule 149.57 - records.

Civil Aviation Authority response was that the present wording is a standard organisational requirement that has been developed through the proper procedures.

New Zealand Parachute Federation suggested that rule 149.62 - compliance with standards - be renamed and rewritten in accordance with an offered draft.

Civil Aviation Authority response was to consider the rule in the light of the submission, and to decide to remove it as superfluous.

New Zealand Parachute Federation say they "would recommend that the wording of ISO 9000 be revisited and incorporated verbatim where relevant. On the other hand the wording and arrangement of some clauses is better than the generic solution offered by ISO 9000 and should be retained".

Civil Aviation Authority response was to note these comments for consideration alongside the several other guidelines in use.

Rural Aviation (1963) Ltd say they are "in full agreement with the intent of the document and it is great to see the responsibilities and powers in certain areas being delegated to those people who are directly involved and experienced in such matters".

Civil Aviation Authority response was to note the comment and to confirm that where possible this is the direction of this Part.

Rural Aviation (1963) Ltd, in regard to rule 149.5 of the NPRM, were concerned that a certificate would be required before an operator could establish their own additional safety standards or procedures.

Civil Aviation Authority response was that this rule had already been revisited as requested, and removed.

Rural Aviation (1963) Ltd, in regard to rule 149.103(d)(5) and (6), said they "appear to be an unnecessary impediment on the certificate holder to remain dynamic and meet changing circumstances".

Civil Aviation Authority response has been to have already removed those requirements as inappropriate.

Sport Aviation Corporation Ltd say they "are quite happy with Docket 1140 with the exception of the stated VNE of low performance Microlights. We understand this figure is being altered to make 100 MPH the VNE which makes sense. The NPRM sets out to raise the pilot standards which we feel can only be good for the sport".

Civil Aviation Authority response is to note the comments and to use the submission when developing the Advisory Circular to the appropriate rule Part.

Tauranga Gliding Club asks, in regard to rule 149.9(2) and (3) of the NPRM, about definitions and procedures for "fit and proper person" and "the interests of aviation safety".

Civil Aviation Authority response was that these are requirements of the Act.

Tauranga Gliding Club asks, in regard to rule 149.7(2) of the NPRM, about the "appropriate fee".

Civil Aviation Authority response was that these fees are specified in Civil Aviation Charges Regulations (No 2) 1991.

Tauranga Gliding Club asks, in regard to rule 149.13(b) of the NPRM, about the power and conditions of revoking certificates.

Civil Aviation Authority response was that these are contained in sections 17 to 20 of the Act.

Tauranga Gliding Club says, in regard to rule 149.55, that they "would like the words 'shall hold copies of' to be replaced with 'shall have ready access to'" all relevant documentation.

Civil Aviation Authority response was that this requirement to hold documentation is for organisations and is what "is necessary to establish procedures for the activities listed in the applicant's exposition".

Tauranga Gliding Club says, in regard to rule 149.105(b), that the expression "as the Director considers relevant" is too broad a power.

Civil Aviation Authority response was that this is in respect of safety inspections and audits which allow the Director to grant a delegation.

Tauranga Gliding Club asks that advanced glider pilots may be able to count 50% of their aeroplane time rather than just 10%.

Civil Aviation Authority response is that this submission will be used when developing the Advisory Circular to the appropriate rule Part.

Tauranga Gliding Club summarises that the NPRM "will not affect the administration and decision making capacity of clubs. The only perceived difference 'by us' is that we will incur more costs, more bureaucracy and control to an otherwise freedom loving sport. What is wrong with the present setup that it has to be replaced with such a large and complex system?"

Civil Aviation Authority response was that it was explained at the NZGA AGM that the Act required glider pilots to hold "aviation documents" or certificates, and Part 149 was the mechanism to allow the NZGA to issue these for glider pilots. The system described in the NPRM has also been simplified considerably.

Wellington Gliding Club "is aware of and fully supports the submission of the NZ Gliding Association on the proposed rule"

Civil Aviation Authority response was to note this support for the NZGA.

Wellington Gliding Club was concerned that the NRPM did not recognise club structure based on elected officials, the potential impost of additional costs on club operations, and the relationship between gliding clubs and the NZGA; and "considered significant work needs to be done on the proposed rule".

Civil Aviation Authority response has been to do the work necessary to recognise those concerns.

Wellington Gliding Club was concerned that the NPRM did not "recognise the need of Gliding Clubs as sporting organisations to market the sport in the interests of growth and development, community relationships and the sharing of the gliding experience. In particular the definition of gliding club operations relative to the potential development of 'commercial gliding operations' is far from clear in the proposed rule".

Civil Aviation Authority response was that Part 149 is for normal club operations, and that commercial gliding operations will be addressed in Part 115 - Adventure Aviation.

Wellington Microlight Flyers Club (Inc) pointed out two errors in the Advisory Circular.

Civil Aviation Authority response was that those points will be corrected during the development of the Advisory Circular for the appropriate rule Part.

List of consultants

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Auckland Gliding Club

Canterbury Microlight Aircraft Club (Inc)

Co-ordinator Aviation Policy of the Ministry of Transport

Hawkes Bay Microlight Club Inc

Peter James of Timaru

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Micro Aviation New Zealand Limited

The Microlight Aircraft Association of N.Z. (Inc)

New Zealand Autogyro Association

The New Zealand Gliding Association

New Zealand Hang Gliding and Paragliding Association

New Zealand Parachute Federation

Rural Aviation (1963) Ltd

South Canterbury Microlight Club

Sport Aviation Corporation Ltd

Tauranga Gliding Club

Wellington Gliding Club

Wellington Microlight Flyers Club (Inc)

Regulatory activities

Part 149 replaces a number of requirements from the Civil Aviation Regulations 1953, the Civil Aviation Safety Orders, and the New Zealand Airworthiness Requirements.

Section 14(2) of the Civil Aviation Amendment Act 1991 (as amended by section 34 of 1996 No. 91) deems the Civil Aviation Regulations 1953 that are continued in force by section 8 of that Act to be revoked on the close of 31 March 1997.

Section 14(3) states that any order, notice, requirement, circular, or other publication continued in force by section 8 shall expire on the close of 31 March 1997.

Conclusion

The Civil Aviation Authority concludes from this consultation that, having taken account of the submissions received on the NPRM, the majority of the aviation industry participants now favour the direction of this new Part. The comments and all the background material used in developing the rules are held on the docket file and are available for public scrutiny. Persons wishing to view the docket file should call at Aviation House, 1 Market Grove, Lower Hutt and ask for docket file 1140.