

Part 12 – Accidents, Incidents, and Statistics: Summary of changes

Alongside the standard changes outlined in Section 3.1 of the Overview of Rules Realignment for the Civil Aviation Act 2023 document, this Rule Part also contains the following changes.

12.1 Purpose

To clarify the types of operations this rule part does not apply to, rules 12.1(b) and (c) have been rewritten:

- (b) **Subject to paragraph (c) †** this Part does not apply to: ~~an incident that is associated with any of the following operations that are not conducted under the authority of an adventure aviation operator certificate issued by the Director under the Act and Part 115:~~
- (1) **an incident or accident that is associated with a** gyrogliders, and parasails, unmanned aircraft, kites, **or** ~~and~~ rockets operated under Parts 101 and 102.
 - (2) **an incident that is associated with a** microlight aircraft operated under Part 103:
 - (3) **an incident that is associated with a** gliders operated under Part 104:
 - (4) **an incident that is associated with a** parachutes operated under Part 105:
 - (5) **an incident that is associated with a** hang gliders operated under Part 106.

(c) This Part does apply if the operation mentioned in paragraph (b) is conducted under the authority of an adventure aviation operator certificate issued by the Director under the Act and Part 115.

12.51 Initial notification of accident

To improve sentence clarity and readability, rule 12.51(a) has been reworded and a new 12.51(b) added:

- (a) **In accordance with section 49 of the Act the** ~~Each~~ pilot-in-command of an aircraft that is involved in an accident **must** ~~or, if that person is fatally or seriously injured, or if the aircraft is missing, the operator, shall~~ notify the Authority of the accident as soon as practicable.
- (b) **If the pilot-in-command cannot notify the Authority because they are injured or dead, or because the aircraft is missing, the operator must notify the Authority.**

...

12.53 Full notification of accident details

To improve sentence clarity and readability, rule 12.53(a) has been reworded:

- (a) **In addition to the initial notification requirements in rule 12.51, †** the pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, the operator, **must** ~~shall~~ provide the ~~occurrence details~~ **required** ~~requested on~~ **by the approved CAA** form CA005 to the Authority within 10 days of the accident—
- (5) on the approved CAA form; or
 - (6) by a means acceptable to the Authority.

12.55 Notification of incident

To improve sentence clarity and readability, rule 12.55(a) has been reworded:

- (a) If the A holder of a certificate issued by the Director under the Act and the following Parts is involved in an incident that is a serious incident or an immediate hazard to the safety of an aircraft operation, they must notify the incident to the Authority as soon as practicable of any associated incident if the certificate holder is involved in the incident and the incident is a serious incident or is an immediate hazard to the safety of an aircraft operation:

12.57 Details of incident

To improve sentence clarity and readability, rule 12.57(a) has been reworded:

- (a) In addition to Notwithstanding the initial incident notification requirements in notification of a serious incident or an immediate hazard to the safety of an aircraft operation under rule 12.55, the following persons who were involved in the incident must provide the Authority with the applicable details required of the incident in accordance with information requested by on the applicable forms specified in paragraph (b)(1) or (b)(2):

12.61 Confidentiality of person submitting information

To avoid inconsistencies with the Act, rule 12.61 has been removed. New section 465 of the Act provides for consideration of confidentiality in alignment with the Privacy Act 2020 and Official Information Act 1982.

12.63 Non-prosecution

To avoid inconsistencies with the Act, rule 12.63 has been removed. The protections provided in 12.63 have been elevated to the primary legislation (sections 339 – 341 of the Act).

12.153 Confidentiality of statistical reports

To avoid inconsistencies with the Act, rule 12.153 has been removed. New section 465 of the Act provides for consideration of confidentiality in alignment with the Privacy Act 2020 and Official Information Act 1982.

Part 12

Accidents, Incidents, and Statistics

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Subpart A — General

12.1 Purpose

- (a) Subject to paragraph (b), this Part prescribes rules for the—
- (1) notification, investigation, and reporting of accidents and incidents; and
 - (2) preservation of aircraft, aircraft contents, and aircraft records following an accident or serious incident; and
 - (3) preservation of records relating to an accident, facility malfunction incident, an airspace incident, or a promulgated information incident; and
 - (4) reporting of aircraft operating and statistical data.
- (b) Subject to paragraph (c) this Part does not apply to:
- (1) an incident or accident that is associated with a gyroglider, parasail, unmanned aircraft, kite, or rocket operated under Parts 101 and 102:
 - (2) an incident that is associated with a microlight aircraft operated under Part 103:
 - (3) an incident that is associated with a glider operated under Part 104:
 - (4) an incident that is associated with a parachute operated under Part 105:
 - (5) an incident that is associated with a hang glider operated under Part 106.
- (c) This Part does apply if the operation mentioned in paragraph (b) is conducted under the authority of an adventure aviation operator certificate issued by the Director under the Act and Part 115.

12.3 Definitions

In this Part—

Aircraft incident means any incident, not otherwise classified, associated with the operation of an aircraft:

Aerodrome incident means an incident involving an aircraft operation and—

- (1) an obstruction either on the aerodrome operational area or protruding into the aerodrome obstacle limitation surfaces; or
- (2) a defective visual aid; or
- (3) a defective surface of a manoeuvring area; or
- (4) any other defective aerodrome facility:

Airspace incident means an incident involving deviation from, or shortcomings of, the procedures or rules for—

- (1) avoiding a collision between aircraft; or
- (2) avoiding a collision between aircraft and other obstacles when an aircraft is being provided with an Air Traffic Service:

Bird incident means an incident where—

- (1) there is a collision between an aircraft and one or more birds; or
- (2) when one or more birds pass sufficiently close to an aircraft in flight to cause alarm to the pilot:

Cargo security incident means an incident involving cargo or mail that is carried, or has been accepted by a regulated air cargo agent or an air operator for carriage, by air on an aircraft conducting an international regular air transport operation passenger service, and—

- (1) there is evidence of tampering or suspected tampering with the cargo or mail which could be an act or an attempted act of unlawful interference; or

- (2) a weapon, explosive, or other dangerous device, article or substance, that may be used to commit an act of unlawful interference is detected in the cargo or mail:

Dangerous goods incident means an incident associated with and related to the carriage of dangerous goods by air after acceptance by the operator, that—

- (1) results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation, or other evidence that the integrity of the packaging has not been maintained; or
- (2) involves dangerous goods incorrectly declared, packaged, labelled, marked, or documented:

Defect incident means an incident that involves failure or malfunction of an aircraft or aircraft component, whether found in flight or on the ground:

Fatal injury means any injury which results in death within 30 days of the accident:

Facility malfunction incident means an incident that involves an aeronautical facility:

Freight means any property carried on an aircraft from one location for the purpose of unloading at another location:

Occurrence means an accident or incident:

Promulgated information incident means an incident that involves significantly incorrect, inadequate, or misleading information or aeronautical data promulgated in an aeronautical information publication, map, chart, or otherwise provided for the operation of an aircraft:

Prosecution investigation means an investigation carried out to establish whether an offence against the Act has been committed:

Security incident means an incident that involves unlawful interference:

Serious incident means an incident involving circumstances indicating that an accident nearly occurred:

Serious injury means any injury that is sustained by a person in an accident and that—

- (1) requires hospitalisation for more than 48 hours, commencing within 7 days from the date the injury was received; or
- (2) results in a fracture of any bone, except simple fractures of fingers, toes, or nose; or
- (3) involves lacerations which cause severe haemorrhage, nerve, muscle, or tendon damage; or
- (4) involves injury to an internal organ; or
- (5) involves second or third degree burns, or any burns affecting more than 5% of the body surface; or
- (6) involves verified exposure to infectious substances or injurious radiation:

TAIC means the Transport Accident Investigation Commission, which is established by section 3 of the Transport Accident Investigation Commission Act 1990.

Subpart B — Notification, Investigation, and Reporting, of Occurrences

12.51 Initial notification of accident

- (a) In accordance with section 49 of the Act the pilot-in-command of an aircraft that is involved in an accident must notify the Authority of the accident as soon as practicable.
- (b) If the pilot-in-command cannot notify the Authority because they are injured or dead, or because the aircraft is missing, the operator must notify the Authority.
- (c) The notification under paragraph (a) must contain, where ascertainable, the—
 - (1) date and time of the accident; and

- (2) nature of the accident; and
- (3) type, nationality, and registration marks of the aircraft; and
- (4) names of the aircraft owner and operator; and
- (5) position or last known position of the aircraft with reference to an easily defined geographical point; and
- (6) name of the pilot-in-command of the aircraft; and
- (7) type of operation; and
- (8) last point of departure of the aircraft; and
- (9) next point of intended landing of the aircraft; and
- (10) description of the sky condition, precipitation, wind velocity, and visibility; and
- (11) number of persons on board the aircraft; and
- (12) number of crew and passengers killed or seriously injured as a result of the accident; and
- (13) number of persons killed or seriously injured as a result of the accident that were not crew or passengers; and
- (14) details of damage to the aircraft.

12.53 Full notification of accident details

(a) In addition to the initial notification requirements in rule 12.51, the pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, the operator, must provide the details required by the approved CAA form to the Authority within 10 days of the accident—

- (1) on the approved CAA form; or
- (2) by a means acceptable to the Authority.

(b) The details required by paragraph (a) must include a statement by each flight crew member who was on the aircraft at the time of the accident, detailing the facts, conditions, and circumstances relating to the accident.

(c) Where a flight crew member is incapacitated, the statement required by paragraph (b) must be submitted as soon as the flight crew member is able.

12.55 Notification of incident

(a) If the holder of a certificate issued by the Director under the Act and the following Parts is involved in an incident that is a serious incident or an immediate hazard to the safety of an aircraft operation, they must notify the incident to the Authority as soon as practicable:

- (1) Parts 115, 119, 129 and 137— aircraft incident, or dangerous goods incident:
- (2) Part 172— airspace incident:
- (3) Parts 171 and 174 — facility malfunction incident:
- (4) Parts 19, 47, 115, 119, 129, 137, 145, 146, and 148 — defect incident:
- (5) Parts 119, 129, 139, 140, 171, and 172 — security incident:
- (6) Part 139 — aerodrome incident:
- (7) Parts 139, 171, 173, 174, and 175 — promulgated information incident:
- (8) Parts 119, 129, and 109 — cargo security incident.

(b) A person who is involved in an incident that is a serious incident or an immediate hazard to the safety of an aircraft operation must notify the Authority of the incident as soon as practicable if the person—

- (1) operates, maintains, services, or does any other act in respect of an aircraft, aeronautical product, or aviation related service; and
- (2) is not employed by, or associated with, the holder of a certificate referred to in paragraph (a); or

- (3) has responsibilities under Part 95.
- (c) A pilot-in-command of an aircraft that is involved in an airspace incident or a bird incident must notify the Authority of the incident as soon as practicable if the incident is a serious incident or an immediate hazard to the safety of an aircraft operation.
- (d) The notification of an incident required by paragraphs (a), (b), (c) and (e) must contain, where ascertainable, information in accordance with the following:
- (1) for an airspace incident, Appendix A(a):
 - (2) for a defect incident, Appendix A(b):
 - (3) for a facility malfunction incident, Appendix A(c):
 - (4) for an aircraft incident, Appendix A(d):
 - (5) for a security incident, Appendix A(e):
 - (6) for a promulgated information incident, Appendix A(f):
 - (7) for an aerodrome incident, Appendix A(g):
 - (8) for a cargo security incident, Appendix A(h):
 - (9) for a dangerous goods incident, bird incident, or any other incident, Appendix A(i).
- (e) Despite paragraph (a), a holder of—
- (1) an air operator certificate issued by the Director under the Act and Part 119 must notify the Authority of an aircraft incident or a defect incident within 72 hours of the incident occurring if the incident is associated with an aircraft that is performing or is used to perform an EDTO and the incident involves—
 - (i) an in-flight shutdown of a propulsion system; or
 - (ii) a diversion or a turn back; or

- (iii) an in flight, inadvertent fuel loss or unavailability of fuel or an un-correctable fuel imbalance; or
 - (iv) a malfunction of an EDTO significant system; or
 - (v) any other occurrence which affects the safety of an EDTO; and
- (2) an aircraft maintenance organisation certificate issued under the Act and in accordance with Part 145 must notify the Authority of a defect incident within 72 hours of the incident occurring if the incident is associated with an aircraft that is used to perform an EDTO and—
- (i) the incident involves a malfunction of an EDTO significant system; or
 - (ii) any other defect that could affect the safety of an aircraft performing an EDTO.

12.57 Details of incident

(a) In addition to the initial incident notification requirements in rule 12.55, the following persons who were involved in the incident must provide the Authority the details required by the applicable forms specified in paragraph (b)(1) or (b)(2):

- (1) a holder of a certificate referred to in rule 12.55(a);
- (2) a person referred to in rule 12.55(b);
- (3) a pilot-in-command referred to in rule 12.55(c).

(b) A person who is required under paragraph (a) to provide the Authority with details of an incident must provide those details within 14 days of the incident—

- (1) on the approved CAA form; or
- (2) on the approved CAA form for a defect incident; or
- (3) by another means that is acceptable to the Authority.

12.59 Investigation and reporting

A holder of a certificate referred to in rule 12.55(a) who is required to provide details of an incident to the Authority under rule 12.57 must, unless otherwise notified by the Authority, —

- (1) subject to section 14 of the Transport Accident Investigation Commission Act 1990, conduct an investigation to identify the facts relating to its involvement in the incident and establish, so far as those facts allow, the cause or causes of the incident; and
- (2) on completion of the investigation, submit a report of the investigation to the Authority no later than 90 days after the incident—
 - (i) on the approved CAA form; or
 - (ii) on the approved CAA form for a defect incident; or
 - (iii) by a means acceptable to the Authority; and
- (3) advise the Authority of any actions taken to prevent recurrence of a similar incident.

Subpart C — Preservation of Aircraft, its Contents, and Records

12.101 Access to aircraft involved in an accident

- (a) Except as provided in the Transport Accident Investigation Commission Act 1990, and paragraphs (b) and (c), a person must not access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorised to do so by the Authority.
- (b) Subject to the limitations contained in the Transport Accident Investigation Commission Act 1990, the Authority may, for the purpose of its investigation, access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.
- (c) A person may, subject to paragraph (d)—
 - (1) remove persons or livestock from the aircraft or wreckage; or

- (2) protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or
 - (3) disconnect or deactivate any cockpit voice recorder, flight data recorder, or emergency location transmitter; or
 - (4) prevent obstruction to the public or to air navigation where no practical alternative is available.
- (d) Any aircraft wreckage, mail, or cargo removed under paragraph (c) must—
- (1) be moved only so far as necessary to ensure its safety; and
 - (2) be kept in separate distinct areas to indicate from which part in the aircraft it has been taken; and
 - (3) where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.

12.103 Preservation of records

(a) The holder of a certificate of registration of an aircraft that is involved in a serious incident or accident must preserve all records, including all recording media maintained for the operation and maintenance of the aircraft, for at least 14 days after the serious incident or accident unless otherwise notified by the Authority.

(b) The holder of a certificate issued in accordance with—

- (1) Part 171 that is involved in a facility malfunction incident or an accident; or
- (2) Part 172 that is involved in an airspace incident or an accident; or
- (3) Part 173 that is involved in a promulgated information incident or an accident;

must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified by the Authority.

(c) A person who is involved in a promulgated information incident or an accident involving responsibilities under Part 95 must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified by the Authority.

12.105 Retention of defective products and components

A holder of a certificate of registration for an aircraft, and a holder of a certificate issued in accordance with Part 145, Part 146, or Part 148 who is required to submit a defect incident report to the Authority under rule 12.59(2) must retain the defective product or component that is associated with the defect incident for a period of at least 14 days after submitting the report unless otherwise notified by the Authority.

Subpart D — Statistics

12.151 Aircraft operating statistics

(a) Except for gliders that are not being operated for hire or reward, an operator of an aircraft must provide the statistical data and information for each aircraft as specified in Table 1, and at the periods and due dates specified in Table 2 for an aircraft being operated for hire or reward, and Table 3 for aircraft that are not being operated for hire or reward.

Table 1 – Statistical data and information required for each type of aircraft operation:

Aircraft Operation	Statistical Data and Information
New Zealand registered aircraft operated on air operations to, from, and within countries outside New Zealand	<ul style="list-style-type: none"> • aircraft registration marking • the hours flown • the number of flights carrying passengers • the number of flights carrying freight only • the total tonnage of freight carried on all freight-only flights
New Zealand registered aircraft operated on domestic air operations	<ul style="list-style-type: none"> • aircraft registration marking • the hours flown • the number of flights carrying passengers between 2 different aerodromes • the number of flights carrying passengers

Aircraft Operation	Statistical Data and Information
	<p>originating and ending at the same aerodrome without an intermediate landing</p> <ul style="list-style-type: none"> • the number of flights carrying freight only • the total tonnage of freight carried on all freight-only flights
<p>Non-New Zealand registered aircraft operated on freight-only air operations from, and within New Zealand</p>	<ul style="list-style-type: none"> • aircraft registration marking • the number of flights carrying freight only • the total tonnage of freight carried on all freight-only flights
<p>Aircraft operated on an adventure aviation operation (other than parachutes)</p>	<ul style="list-style-type: none"> • aircraft registration marking or aircraft identification markings if the aircraft is not required to be registered under Part 47 • the hours flown • the number of flights carrying passengers

Aircraft Operation	Statistical Data and Information
Parachutes used on an adventure aviation operation	<ul style="list-style-type: none">• the parachute identification marking• the number of tandem parachute descents
New Zealand registered aircraft issued with a <i>standard category</i> airworthiness certificate or a <i>restricted category</i> airworthiness certificate used on other operations not listed above.	<ul style="list-style-type: none">• aircraft registration marking• the hours flown

Aircraft Operation	Statistical Data and Information
Agricultural operations	<ul style="list-style-type: none">• the period for which the statistical data and information report is made• the certificate holder's name• the aircraft registration marks• the number of loads carried in the period• the location of each aerodrome used in the period• for each operation for the dispensing of agricultural chemicals or other substances intended for plant nourishment, soil treatment, propagation of plant life or pest control• the type of load carried• the total weight or quantity of load• the estimated total land area treated.

Table 2 – Reporting periods for aircraft that perform any hire or reward operations:

Report	Period Covered	Due Date
1st Quarter	1 Jan through 31 Mar	1 May
2nd Quarter	1 Apr through 30 Jun	1 Aug
3rd Quarter	1 Jul through 30 Sep	1 Nov
4th Quarter	1 Oct through 31 Dec	1 Feb

Table 3 – Reporting periods for aircraft that do not perform any hire or reward operations:

Report	Period Covered	Due Date
Annual	1 Jan through 31 Dec	1 Feb

- (b) The reports required by paragraph (a) must be submitted—
- (1) on the approved CAA form; or
 - (2) by electronic or other means acceptable to the Director.
- (c) To avoid doubt, an operator of an aircraft that has not flown during the reporting period specified in either Table 2 or Table 3 must continue to submit aircraft operating statistics for that aircraft.

Appendix A — Information Required for Initial Notification of Incidents

(a) **Airspace incident** – The following information is required for notification of an airspace incident under rule 12.55(d)(1):

- (1) date and time of the incident:
- (2) brief description of events:
- (3) aircraft nationality, registration, radio call sign, flight number, and type:
- (4) name of the aircraft operator:
- (5) aircraft position and altitude:
- (6) name of the pilot-in-command:
- (7) phase of flight:
- (8) effect on flight:
- (9) flight rules under which the aircraft was operating:
- (10) aircraft point of departure and destination:
- (11) location, type, and class of airspace, and the ATS unit involved:
- (12) any other relevant information submitted by the pilot concerned.

(b) **Defect incident** – The following information is required for notification of a defect incident under rule 12.55(d)(2):

- (1) date and time the incident was detected:
- (2) brief description of events:
- (3) aircraft nationality, registration, and type:
- (4) name of the aircraft operator and owner:

- (5) location of the aircraft, part, or equipment at the time of the incident:
 - (6) phase of flight:
 - (7) effect on flight:
 - (8) aircraft point of departure and destination:
 - (9) name of the manufacturer of the aircraft, part, or equipment, and where appropriate, the part number, its modification standard, and its location on the aircraft:
 - (10) description of the incident, its effects, and any other relevant information:
 - (11) whether the person or organisation making the notification has instituted an investigation into the defect and expected time of completion:
 - (12) name, organisation, and contact details of the person notifying the incident.
- (c) **Facility malfunction incident** – The following information is required for notification of a facility malfunction incident under rule 12.55(d)(3):
- (1) date and time of the incident:
 - (2) brief description of events:
 - (3) aircraft nationality, registration, radio call sign, flight number, and type:
 - (4) name of the aircraft operator:
 - (5) aircraft position and altitude:
 - (6) name of aerodrome and runway used:
 - (7) name of the pilot-in-command:
 - (8) phase of flight:

- (9) effect on the flight:
 - (10) identification, type, name, frequency, and provider of the aeronautical telecommunication facility involved:
 - (11) whether the person or organisation making the notification has instituted an investigation into the incident and, if so, expected time of completion:
 - (12) name, organisation, and contact details of the person notifying the incident.
- (d) **Aircraft incident** – The following information is required for notification of an aircraft incident under rule 12.55(d)(4):
- (1) date and time of the incident:
 - (2) brief description of events:
 - (3) aircraft nationality, registration, radio call sign, flight number, and type:
 - (4) name of the aircraft operator and owner:
 - (5) aircraft position and altitude:
 - (6) phase of flight:
 - (7) if applicable, name of aerodrome and runway used:
 - (8) effect on the flight:
 - (9) name of the pilot-in-command:
 - (10) type of operation being conducted:
 - (11) number of persons on board the aircraft:
 - (12) name, organisation, and contact details of the person notifying the incident.

(e) **Security incident** – The following information is required for notification of a security incident under rule 12.55(d)(5):

- (1) date and time of the incident:
- (2) brief description of events:
- (3) aircraft nationality, registration, radio call sign, flight number, and type:
- (4) name of the aircraft operator and owner:
- (5) aircraft position and altitude or place of incident:
- (6) name of the aerodrome or aeronautical telecommunication facility if applicable:
- (7) name of the pilot-in-command:
- (8) phase of flight:
- (9) effect on the flight:
- (10) type of operation being conducted:
- (11) name, organisation, and contact details of the person notifying the incident.

(f) **Promulgated information incident** – The following information is required for notification of a promulgated information incident under rule 12.55(d)(6):

- (1) date and time the incident was discovered:
- (2) brief description of events:
- (3) details to identify the publication, map, chart, or other means by which the information or aeronautical data was promulgated:
- (4) details relating to the information or aeronautical data that gave rise to the incident:

- (5) name, organisation, and contact details of the person notifying the incident.
- (g) **Aerodrome incident** – The following information is required for notification of an aerodrome incident under rule 12.55(d)(7):
- (1) date and time of the incident:
 - (2) brief description of events:
 - (3) name of the aerodrome:
 - (4) description and the location of the reported defect or obstruction:
 - (5) name, organisation, and contact details of the person notifying the incident.
- (h) **Cargo security incident** – the following information is required for notification of a cargo security incident under rule 12.55(d)(8):
- (1) date and time of the incident:
 - (2) brief description of the nature of the incident:
 - (3) details, if known, of where the incident may have occurred:
 - (4) name, organisation, and contact details of the person notifying the incident.
- (i) **Dangerous goods, bird, or other incident** – The following information is required for notification of a dangerous goods, bird, or any other incident under rule 12.55(d)(9):
- (1) date and time of the incident:
 - (2) brief description of events:
 - (3) name, organisation, and contact details of the person notifying the incident.