



Summary of Public Submissions Received on

NPRM 09-02 — Part 61 Review, Stage 2

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The Purpose of NPRM 09-02

Notice of Proposed Rule Making (NPRM) 09-02 was issued for public consultation on 29 November 2012, with a submission close-off of 1 February 2013. The purpose of NPRM 9-02 was to put forward for consultation amendments to Civil Aviation Rule (CAR) Part 61: *Pilot Licences and Ratings* along with associated changes to Parts 1, 91, 133 and 137 in regard to requirements for, and privileges of, pilot licences, ratings, and authorisations.

The amendments in NPRM 09-02 proposed:

- a complete revision of the structure of Part 61
- introduction two new pilot licences: PPL(Balloon) and CPL(Microlight)
- specifying requirements for pilots to be proficient in the English language
- reorganising the system of ratings and authorisations, including redefining the significant ratings as aviation documents; and introducing authorisations to replace existing minor ratings as well as creating new authorisations for activities that are covered by logbook entries
- amending and clarifying the requirements for flight tests
- amending the requirements for flight instructor ratings, including introducing new flight instructor ratings for balloons and airlines
- introducing new flight examiner ratings for balloons and agricultural aviation
- amending the instrument rating requirements, the logging of instrument flight time, and the introduction of a co-pilot instrument rating for helicopters
- introducing requirements for mountainous terrain training to be included in the eligibility requirements for PPLs and CPLs
- amending type rating requirements and the requirements for instructors to give type ratings in multi-engine aircraft
- amending the requirements for written examinations, including raising the pass mark for examinations and placing a limit on the number of times a person can attempt an exam before a stand-down period applies
- editorial amendments and amendments to clarify the requirements of this Part.

A copy of the NPRM was sent to:

- the Aviation Community Advisory Group
- the Aviation Industry Association (now Aviation New Zealand)
- the Aircraft Owners and Pilots Association
- the Royal New Zealand Aero Club.

The NPRM was notified in the New Zealand Gazette, published on the CAA website, and advised by email to Part 61 subscribers to the CAA automatic notification service.

Submissions

Submissions were received from:

John Gemmel	NZ Helicopter Association
James Sleeman (Christchurch Recreational Aircraft Club)	Stephanie Eilers
John Nicholls	Ruth Presland
George Richards	Wayne Allanson
Howard Watson	Pauline Hickey
John Nielsen (Professional Pilot Study Centre)	Ice Aviation Ltd
Virgin Australia Airlines NZ	Chris Bransgrove
Advanced Flight Ltd	Nelson Aviation College
Pat Scotter	Dave Paterson
Gavin Weir	Michael Hayman
Peter Washbourn	Canterbury Aero Club / IAANZ
Jules Tapper	Micah Andrews
Helicopters Otago Ltd	Neil Aberhart
Daniel Thompson	Graeme Donald
Andrew Craig	Chris Dixon
James Wilson	Andree Hickey
Matthew Miller	Balloon Aviation Association of New Zealand
Kevin Campbell	Waikato Hot Air Balloon Club
David Peel	Scott Cursons
Desmond Lines (representing 89 others)	Fred Sprenger
Gliding New Zealand	Kurt Schierning
Mark Woodhouse	Ashley Clarke
Tauranga Aero Club	Aviation Services Ltd
Helilink	NZ Warbirds Association
Hawkes Bay Aero Club	John Geary
Leslie Porter	Massey University School of Aviation
Fusion Ballooning Partnership	RAANZ
Scott Cursons	Southern Wings
Sport Aircraft Association	CTC
Leslie Vincent	AIA
Mike Groome	Marie Hicks
Darren Smith	Paul Hicks
Bruce Drake	New Zealand Airline Pilots' Association
Hawkes Bay & East Coast Aero Club Inc	Hallett Griffin
Tim Douglas-Clifford	North Shore Aero Club Inc.
Airline Flying Club	Dee Bond
Ross MacDonald	Auckland Air Charter Ltd
Air Safaris	Timothy Dennis
NZAAA	AOPA
NZRAC	Sport Aviation Corp Ltd
	Ross St George
	NZ Aviation Federation

A total of 172 submissions were received. Of these, 35 submissions were from organisations, and 137 from individuals.

Overview of Summary

By its nature, the NPRM was proposing a wide variety of changes, many of them significant. Correspondingly, there was a wide variety of submissions. Many challenged the policy basis for making the changes. The length of time that this project spans is also a significant factor.

Most of the proposed amendments do not address pressing safety concerns. Many of the changes could be characterised as incremental ad-hoc improvements in licensing standards.

This situation resulted in the project being delayed or deferred, over the years, because it lacked the safety priority to drive it to a more timely completion.

Late last year the project was examined objectively. The following factors came to light:

- It was a “legacy” project – initiated at a time when policy analysis was informal, and it was no longer clear what problems the amendments were intended to solve at the time.
- The project had suffered scope creep over the years; again with no recorded policy analysis.
- There was significant negativity in the submissions to the NPRM, particularly with regard to the reasons for the changes.
- There was still the need for a significant investment in time to progress the amendment in light of the need to reconstitute the policy case in response to the consultation feedback.
- Since the commencement of this rule development, there have been a significant number of changes within the pilot licensing system internationally. Many countries are reviewing requirements from a more fundamental perspective, including reducing medical requirements in certain circumstances, and introducing new types of licences (such as the multi-crew licence).

These factors led the CAA and the Ministry of Transport to the view that the NPRM was not balanced in providing a level of benefit that was commensurate with the change to the rule and disruption to the industry.

However, it was equally clear that there were some aspects of the proposal which should be progressed as they represented relief from administrative or financial burden.

In considering the fate of this project, it became evident that it would be appropriate to review pilot licensing at a systemic level; and explore options for achieving modern regulatory outcomes. With that in mind the project was scaled back to address only the items that were a demonstrable benefit to the industry; and relegate the remaining issues to be evaluated in a more relevant context in a future project.

This summary will address the NPRM proposals, and the submissions to the NPRM, in three sections according to the nature of the proposals—

Section 1 Minor changes that have been withdrawn without explanation in the interests of simplicity and expedience and additional matters suggested by submitters that will not be included in this rule amendment

Section 2 Significant changes that have been withdrawn but need explanation; and

Section 3 Changes that have been retained and have advanced to final rule drafting. The submissions to these proposals have been listed and responses are included.

Section 1 – Minor changes to be withdrawn from the amendment

Proposed changes to be removed

The proposed changes that are considered minor are included in this group, whether or not they have attracted comment. They have been withdrawn from the proposal to reduce the

impact of the final rule, and to provide the opportunity to speed up the processing and delivery of the final rule.

These changes are mostly editorial or administrative; and by default include anything that is not addressed specifically in sections 2 and 3. Specific proposals that will not be included in the final Rule amendment include:

Licensing

- Amendments to Airline Transport Pilot Licence (ATPL) eligibility requirements

Ratings

- Reorganisation of the system of ratings and authorisations, including redefining the significant ratings as aviation documents and introducing authorisations to replace existing minor ratings as well as creating new authorisations for activities that are covered by logbook entries
- Restructure of instructor ratings (particularly category C)
- Amendment to the requirements for flight instructor ratings, including introducing a new flight instructor rating for airlines
- Update of instrument rating requirements for helicopters and include requirements for support pilots
- Amendment to the instrument rating requirements, amending the logging of instrument flight time, and the introduction of a co-pilot instrument rating for helicopters
- Amendment to type rating requirements and the requirements for instructors to give type ratings in multi-engine aircraft
- Review of aerobatic rating privileges

Training requirements

- Addition of terrain awareness training into flight time experience requirements
- Establishment of English language competency requirements
- Clarification on the requirements for flight tests
- Introduction of requirements for mountainous terrain training to be included in the eligibility requirements for PPLs and CPLs into the rules

General

- Addition of or amend definitions
- Amendments to include ICAO Annex 1 changes up to and including Amendment 166 (now superseded by Amendment 167)

For the record, and to ensure that any future work is cognisant of submitters views on these removed elements, points made by submitters on these proposals of the original NPRM can be found in Annex I.

Section 2: More significant proposals withdrawn from the amendment

A number of significant issues have also been withdrawn from the proposal. Comments on these and the reasons for removal of the proposal from the final amendment Rules are discussed in more detail below. They are included in this section because of the nature or potential impact of the proposed change, or the amount of comment received.

Restructuring Part 61

The restructuring of Part 61 will no longer be proposed in light of the significant reduction of proposed changes, particularly around the ratings and authorisations. In addition in the intervening years since this rule amendment has been in progress there have been a number of changes within the pilot licensing system internationally.

Submitters also commented on the ad-hoc nature of the amendments, with one suggesting a more systematic approach: “*Training should be more in line with EASA, JAA, FAA*”.

This has led to the CAA initiating a ‘green -fields’ review of pilot licensing, to ensure that our licensing system remains fit for purpose in the future. A restructure of the rule at this time, with its associated costs to the industry to implement the rule, is therefore unnecessary until this wider work is completed.

Examinations

Raising the pass mark from 70% to 75%

This issue attracted a similar amount of comment from both sides of the argument. However, the proposal lacked a safety case, and would have a potential cost impact – both in terms of costs to the pilot population but also in relation to impact on the future availability of pilots coming into the system and New Zealand’s international competitiveness and standing in the pilot licensing area. These costs were not quantified during the NPRM process but would need to be assessed further.

In addition, the proposed ‘green-fields’ review of pilots licence may result in further change that could impact on issues such as pass rates. Any interim changes to this system will create greater administrative costs.

In the absence of any urgent safety case for increasing pass marks this proposal will therefore not be included in the final rule amendment.

Increasing the number of theory subjects for private pilots

This proposal was initially generated by the industry and supported by a CAA desire to align more closely with ICAO. However, submitters were not so sure. The proposal was seen to be

- a disincentive for international students considering training in NZ.
- increasing the length and cost of training courses, and a widening of the gap between available student loan funding and actual course cost for funded pilots.
- additional complexity for Part 61 recreational licenses.

Consequently, this proposal was be withdrawn from the rule amendment.

Revised subjects for CPL testing

The NPRM proposed to change the single subject, with a four hour exam, into two subjects with two 2 hour exams. The intent was to make exams easier to study for and sit.

There was no common agreement between submitters on this proposal. Some submitters support the revised subjects on which testing will be done for the various types of aircraft. Conversely, other submitters believe that increasing the number of subjects students will be tested on will be a disincentive to people wanting to learn to fly in NZ. They also stated

that it will add time and cost to the training and exacerbate the current gap between course costs and the amount that can be borrowed through the student loan system. One submitter suggested that the industry could be more involved with the CAA's plans for training to help address such matters. Another stated that there are no obvious benefits other than increasing NZ's alignment with ICAO requirements.

On balance, this proposal will be removed from the final Rule – further work would be needed to assess the administrative and cost burden that such a change might create. The CAA will instead work on developing advice on how to increase industry involvement in training.

Limits on exam attempts

The NPRM proposed placing a limit on the number of times a person can attempt an exam before a stand-down period applies. With the removal of other elements of the proposals relating to exams, and given the lack of impact analysis on this proposal, it will be removed from the final Rule amendment.

Private Balloon Operations

The NPRM proposed the introduction of a PPL(B) along with new category F balloon instructor and balloon flight examiner ratings.

Submitters raised a number of questions that require further consideration in relation to the introduction of new balloon licensing:

- How balloon pilots' experience, relevant qualifications, and pilot in command time would be grandparented as credit to a PPL
- Whether PPL(B) should need the same level of medical certificate given differences in other private pilot requirements (e.g. gliders)
- Exactly what would be required in terms of training content and duration. Some submitters noted that some assessment criteria for balloon pilots will never be used in practice.
- What currency requirements or minimum hour requirements should be applicable to balloons. For example, one submitter suggested that *“only CPL Balloon should have to do a biennial flight review. PPL Balloon pilots should not need to do a BFR if their currency is maintained, and if currency is not maintained the pilot should have to re-sit a flight test. Pilots should also attend safety seminars.”* Another commented *“The currency requirements for balloons are too onerous and will compel pilots to fly, in conditions where they shouldn't, simply to maintain their currency. We should align our currency requirements more closely to the UK or Australian requirements”*
- Concerns that the RPL may jeopardise safety as balloons often need more than one passenger aboard to ensure safety.
- Questions regarding the level of rating requirements for balloonists. Further submitters suggest balloon pilots should not need to be rated but that they could have endorsements on their licences. One submitter suggested that *“balloon pilots should be rated but only depending on the number of passengers the pilot is*

carrying". A further submitter suggests including a rating category for balloons of less than 120,000 cubic feet should be considered.

These questions and comments indicate that the policy basis for introducing a balloon private licence is incomplete. Further assessment of safety data relating to balloon incidents over the past 10 years also indicates that there is no pressing need for a PPL(B). While there is a gap in relation to the oversight of balloon operations and the competency of their pilots, it is not yet clear that a private pilot licence or recreational pilot licence is the most appropriate way to fill this gap.

The proposed PPL(B) and RPL(B) with the associated instructor, and examiner requirements for private balloon operations will be withdrawn.

In its place the following will be implemented:

1. A review of balloon qualifications will be included in the CAA 'green fields' review of pilot licensing. This review has recently been initiated because of significant changes internationally in the pilot licensing area and the need to re-examine the approach that New Zealand takes generally to pilot licensing.
2. In the interim balloon recreation groups will be encouraged to seek Part 149 certification¹ and demonstrate to the CAA that they can self-regulate.
3. A more detailed study of the risks associated with private ballooning in NZ will be undertaken.
4. Further work will be undertaken to identify whether there are any changes required to the operational rules in relation to ballooning.

Balloon ratings

The NPRM proposed the introduction of 'group ratings' for balloons (e.g. large envelope, small envelope etc...). With the removal of the proposal for PPL and RPL (Balloon) there is no longer a need for these ratings.

Further assessment of the proposal also indicated that these 'group-ratings' would have also applied to commercial balloon pilot licences CPL(B). This would have reduced the standard for ratings as currently CPL(B) pilots are required to obtain individual ratings for each balloon type they fly. While this was not raised during submissions, this was not an intended outcome of the rule amendment. The current requirement for commercial balloon pilots to obtain individual ratings already adequately provides for the differences between balloon types. While the proposal to move to group ratings may have provided a more streamlined approach to balloon ratings, the impact on safety was not fully assessed.

The proposals for balloon group rating proposals will therefore be removed from the final rule. Any further consideration of group ratings for aircraft will be considered in the wider context of the CAA's 'green fields'-fields licensing review.

¹ Part 149 certification is certification for recreational organisations to provide oversight for their specific industry. This certification enables these organisations to self-administer, including issuing pilot 'certificates'. This is the approach taken by private gliders, paragliders and parachutists.

CPL for Microlights

Currently any person who wants to conduct commercial operations in a microlight must hold a full Commercial Pilots Licence. The Part 61 NPRM proposed the introduction of a commercial pilot licence for microlight aircraft CPL(M). The CPL(M) was to be based on the Part 149 microlight pilot certificate with additional requirements, including a class 1 medical certificate.

While there was some support for this proposal, other submitters queried the need for a microlight CPL, some commenting that it was not consistent with ICAO requirements. Others wanted lower standards still, requesting relief on the medical standards. One submitter suggested additional requirements for the licence, including a requirement that microlight CPLs be required to hold an instructors certificate for microlights.

After consideration of the submissions, the CAA has determined that there is no need for any change to current requirements as introduction of a CPL for microlights as proposed would be a reduction of current standards without a full analysis of the potential safety impact. Any changes of this nature should be addressed through the CAA's 'green fields'-fields review of pilot licensing.

Category D flight instructor changes

The NPRM proposed new requirements for competency checks for Category D instructor ratings. These attracted the most comments of all the proposals. Submissions addressed several common themes, as well as examples and scenarios to illustrate the points made. The submissions have been grouped below into themes under the following headings:

Attributes of Category D flight instructor rating holders

- Experienced with less common aircraft types.
- Significant IFR and instructional experience.
- D Cats are not teaching people to fly (ab initio students).
- D Cats often do not charge for their time (in the spirit of giving back to the industry).
- D Cats represent a valuable pool of experience that the CAA should be encouraging to continue (i.e. making it easier).
- Most D Cats fly commercially and have several checks each year anyway.
- D Cats use their privileges infrequently.

Perceived purpose of current rule

- Avoiding annual check requirement/the purpose of the category is to be not to have a currency requirement.

No need for change

- The current system works.
- There appears to be no evidence that there is a safety problem.
- There appears to be no evidence of how the changes would enhance safety.

- It is not necessary to be checked twice.
- D Cats are experienced and competent and shouldn't need retesting.

Effect of proposed rule

- The proposal complicates the rating.
- It increases compliance cost.
- It is not economic to be checked.
- Not prepared to pay for a competency check.
- An extra layer of checks applies unnecessary expense.

Risks

- D Cats will not bother to renew if they have to have a currency check.
- Loss of D Cats would remove considerable experience.
- Loss of D Cats would be a safety threat.

Alternative strategies

- Consider the use of good industry practice.

The weight of comment was such that the issues will be revisited in the 'green fields' project to explore other options for achieving the desired outcomes.

Aid to night vision authorisation

The NPRM proposed the addition of an 'aid to night vision' authorisation, to accommodate technological advances in this area

Submitters did not oppose the proposals but some commented on the restrictiveness of the rule. They also commented on what technologies are captured by the rule and suggested changes to wording and definitions.

Since the NPRM a large number of issues have been identified with the smooth transition of this requirement into the new rule, specifically

- What level of flight instructor/ flight examiners should conduct training and conduct competency demonstrations?
- Issues with the interaction of the current AC 91-13 which has been used to issue authorisations and the proposed rule, particularly around transition.

Given the apparent lack of urgency on this issue (all 8 organisations currently using night vision have been authorised under the CAA's best practice process), the CAA considers that further consultation on these issues was considered necessary. It will be included in a future rule project.

Section 3 – Proposals that will be included in the amendment

The following issues have been retained from the NPRM and will be included in the final Part 61 Rule amendment, with some adjustments to take comments from consultation and further analysis since the NPRM consultation into account.

Recreational pilot licence

Three changes have been addressed in this area. Submissions were made commenting on—

- ***Inconsistencies for the medical standard required for solo flight.*** Submitters pointed out an anomaly in the rules that requires a person seeking a Recreational Pilots Licence to have a Class 2 medical for their first solo, even though they only need an NZTA driver medical for the remainder of their training.

It is not intended that a student pilot who wants to gain an RPL should be required to obtain a class 2 medical. Further analysis of this issue through the CAA's issue assessment process indicates that a reduction in the requirement will reduce overall cost, but will not materially affect safety standards (given the person undertaking the solo flight will not be affecting any third parties). Therefore, a change will be made to allow student pilots to undergo their training with a Land Transport medical required for an RPL.

- ***Helicopter pilots cannot obtain an RPL.*** Submitters pointed out an anomaly whereby fixed wing pilots could obtain an RPL (with associated limitations) but the same privilege was not extended to helicopter pilots.

Extension of RPL privileges to helicopter pilots would ensure greater equity between fixed wing and helicopter operators. No reduction in safety standards is expected. The final rule amendment will enable helicopter RPL category with equivalent relevant limitations (MCTOW of 1,500kg or less, and no sling load operations) to those already listed for aeroplanes.

- ***Allow RPL holders to tow glider operations.*** Submitters commented that glider towing was a lower risk operation and therefore an RPL holder should be able to be authorised to tow private gliders.

The CAA has assessed this suggestion through its issue assessment process and agrees that an RPL holder should be able to tow private glider operations due to the low level of risk involved.. However this privilege will not be extended to pilots towing commercial glider operations.

Recognition of Defence Force qualifications and experience

The NPRM proposed alternate eligibility provisions for Defence Force pilots regarding the issue of private, commercial and air transport pilot licences; category C instructor ratings, aerobatic flight ratings, and instrument ratings.

There was minimum comment on this proposal. One submitter commented that more credit should be given to NZDF flight instructors as the RNZAF has very high standards.

This proposal has been retained as the CAA has now issued many exemptions to NZDF personnel and it is clear from the case by case analysis to date that NZDF pilots and instructors are competent to operate under the civil system. Recognition of this in law will have an administrative and financial benefit as it will remove the current cost of exemption.

The CAA will not recommend any additional credit be provided to NZDF flight instructors. While we recognise the ability of NZDF pilots and flight instructors, there are some significant differences between military and civil aviation and NZDF pilots still need to make a transition.

Agricultural ratings

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.

Agricultural flight instruction

The NPRM proposed additional requirements for Category E flight instructors and a new agricultural flight examiner rating. These ensure that instructors are appropriately trained to conduct flight instruction and testing.

One submitter commented that these requirements would add more testing, without improving safety. Another pointed out that the additional requirements would be onerous, without improving safety and would reduce the pool of Category E instructors.

However there was also support for the requirements, one submitter supported the proposals that these instructors should attend courses on instructional techniques in the different categories. Some asked for clarification on how these provisions would meet ICAO requirements, and what this might mean for operator approval specifications.

On balance, the CAA considers that these provisions should be retained in the final Rule amendment. The Agricultural Sector Risk Profile clearly indicated that consistency in flight training in the agricultural sector is an area for improvement. Discussions with industry indicate that there is a range in standards for flight instruction in this area, and there is a need for consistently trained flight instructors and examiners.

Requirements for balloon instructors and examiners

The NPRM proposed new flight examiner and flight instructor ratings for people instructing on balloons.

This proposal attracted some attention, largely because the rule also proposed the addition of a private pilot licence for balloonists, which will now not be included in the rule.

However, the comments are relevant to the training of commercial balloonists. Comments were mixed with no clear preference emerging on the specific requirements for the ratings.

With regard to balloon instructor ratings, several submitters suggest that 150 hours as PIC is too much to be eligible to be a balloon flight instructor. Instead they recommended a minimum period of 75 hours to 100 hours as PIC is sufficient to be eligible to be a balloon flight instructor. One suggested that a balloon instructor should not need a CPL.

With regard to balloon examiner ratings, two submitters commented that to be eligible to be a balloon examiner a person should have at least 200 hours as PIC of a balloon. One also suggested an examiner could instead hold a PPL(B) and have 100 hours to compensate for absence of a CPL. Another submitter thought that Balloon examiners should not need a CPL. The submitter also suggested removing the requirement that an examiner needs to have accrued time on commercial operations.

Underlying this mixed response is a core issue, the low number of balloonists generally in New Zealand and submitters concerns that adding prescriptive requirements will further reduce the available pool of instructors. This could have a perverse effect on safety. However, it is equally important that the instructors and examiners of commercial balloon pilots are appropriately trained. At present the rules enable A Category instructors who are inexperienced in balloon operations to train and test balloonists. This is a gap that should be rectified, given the need to ensure the safety of passengers of commercial balloon operations.

To acknowledge the limited trainer resources in the ballooning sector, the intent of the provisions will be retained, but the rule will be rewritten to remove the prescription from the requirements, provide the Director with the ability to be assess the competency of balloon instructors on a case by case basis. This will also enable the Director to keep a closer eye on the quality of training in the commercial balloon sector.

Annex 1: Comments made by submitters on minor proposals in the NPRM

Comments on proposed changes in the NPRM

CPL:

- Various submitters commented on the hours pilots need to obtain a CPL. Some say that requiring 200 hours flying time will discourage people from coming to NZ to do their flight training and that it should be possible for trainees to demonstrate their capability in less than 200 hours.
- A submitter supports the idea of a “pilot-in-command under supervision” and would like the concept also included in the flight training syllabus for CPLs, as part of the 200 hours.
- A submitter suggests merging the criteria for eligibility requirements in 61.201 with the criteria in the instrument rating rule (61.651(b)). (This submitter also suggested this for 61.151.)
- The flight test doesn’t assess the privileges of the licence closely enough. It should be carried out on an aircraft of minimum size and include an ‘A to B’ cross country component.
- The requirement for CPLs on multi-engine aircraft to demonstrate competency, to maintain currency, is an additional cost to training organisations.
- Add ATPL to the situations in which the requirements don’t apply.

ATPL:

- Submitters support the revised subjects for training. Some would also like ground training to be added to the curriculum.
- A submitter says the requirement that a flight test be done in a multi-engine turbine with an MCTOW of 5700kg or more will make it difficult for people not in an airline to get the qualification.
- Another submitter would like the rule to retain the option that the ATPL test can be done in a piston engine aircraft.

Category C Instructor:

- A submitter says that to instruct pilots to get their rating as a Category C instructor, the instruction must be given by Category B instructor who has at least 1000 hours.
- One submitter suggests that to hold a Category C Flight Instructor rating the instructor should have more than the 200 hours currently in the rule, and suggests the instructor should have 500 hours in the type of aircraft.
- Several submitters suggested that the rule should specify that pilots training to be Category C instructors should be able to do their training with either A or B Category instructors (i.e. that there should not be a requirement specifying that at least 5 hours must be with a Category A instructor).
- A Category C instructor must only instruct on a similar aircraft if he/she has a minimum 10 hours as PIC on that aircraft. [Same type of aircraft]
- The requirement for 10 hours as PIC in other aircraft of the same type will add costs and may make the rating unobtainable.
- The proposal further limits the privileges of the Category C instructor.

- The proposed requirements for instructors to be sufficiently competent at terrain awareness and mountain flying will decrease the effectiveness of training and increase safety risks. The proposal should not proceed.
- The proposed rule for Category A, B and C flight instructors (61.373, 61.381 and 61.387) will require them to be specifically authorised by a flight examiner to train pilots at terrain awareness, and basic and advanced mountain. The current rule is that the examiner authorises aeroplane pilots but not helicopter pilots in these activities. Why is the proposal to change it so that helicopter pilots must also be authorised?
- One proposal is that a Category C instructor must not give instructions in IFR cross-country navigation unless a flight examiner has certified the instructor as having done a minimum of 50 hours PIC at IFR cross country. A submitter supports this and proposes the instructor could also demonstrate competency in a simulator. (61.373, 61.381, and 61.387.)
- A submitter disagrees with the proposal that Category C instructors must have finished being supervised before they can instruct others in IFR. The submitter says this will lead to a shortage of instructors and further limit the privileges of Category C instructors.

Category B instructor

- Submitters commented that Category B instructors are often just as capable as Category A instructors.
- Submitter does not support 500 hours as PIC to hold a Category B instructor rating. Even the current 750 hours is quite low. Reducing the hours will adversely affect the quality of instructing and consequently the standard of trainee pilots. Suggests 800 hours minimum.
- While one submitter was supportive of a requirement for training on how to teach spin training a number were not supportive. A number of flight schools won't have the expertise to teach spin recovery. Also, the proposed requirement means that all Category C holders would have to get Aerobatic Instructor Ratings. Requiring Category B instructors to be experienced at spin recovery adds time and cost to getting the rating.
- Several submitters oppose the requirement that instructors learn how to instruct, commenting on extra time and costs, the difficulty of providing such training, that the different training organisation work quite differently, and the absence of any real need for it as the instructors will already have 250 hours experience instructing. However, they do support the principle of initial training at teaching, and suggest that flight schools be allowed to develop their own courses to teach instructors how to instruct.
- A submitter says the proposed requirements for instructors to be sufficiently competent at terrain awareness and mountain flying will decrease the effectiveness of training and increase safety risks. The proposal should not proceed.
- A submitter believes the requirement that an instructor must have 10 hours as PIC in a similar type of aircraft should be exempt from this 10 hour requirement.
- A submitter comments on the requirement for Category B and A instructors to have a minimum number of hours (10) as PIC on the type of multi-engine aircraft

(compared to single engine) to issue ratings on them. The submitter says that as long as they are experienced on similar aircraft they should be able to issue ratings.

- A submitter is opposed to the requirement that instructors must have 50 hours as PIC at IFR cross country in order to be able to instruct at IFR cross country. The submitter says this is the easiest part of flight. Another submitter makes this point and notes that if the privilege is removed there will be flow-on effects as Category A instructors will need to pick up some of the slack, or train the Category B instructors at this technique. This all adds to the pressure on the Category A instructors and the system.

A Cat instructors

- Requiring Category A instructors to do more of the instructing will causes problems and increase cost due to the scarcity of those instructors and due to them being busy with flight testing.
- A submitter supports the requirement that to instruct aerobatics the instructor must have an aerobatics rating. Another submitter also supports the requirement, and suggests adding the text “for an aeroplane, hold a current aerobatic flight rating.
- A submitter says the rule doesn’t say what the competency(ies) being assessed is/are nor who the examiner is.

Airline flight examiners

- A submitter suggests that the eligibility requirements be removed as they already have Category D ratings.
- A submitter suggests that the eligibility requirements to be hold an airline examiner rating do not adequately ensure the holder had sufficient experience to conduct a flight test leading to the issuing of a RPL or PPL.
- A submitter says that not requiring an examiner to have a medical if not acting as flight crew conflicts with Part 121.
- Aircraft ratings: A submitter supports the move to including a written examination of examiners based on aircraft systems, loading etc for aircraft with a MCTOW of 1500kg or more.
- A submitter supports the move to including a written examination of examiners based on aircraft systems, loading etc for aircraft with a MCTOW of 1500kg or more.

Instrument Ratings

- A submitter suggests that the rules state the training must be provided by an aviation training organisation, not a qualified flight instructor.
- Another submitter suggests blending the rule with the rules for PPL, CPL and ATPL.
- The rule about training for GNSS is unnecessary as most pilots are getting training already in their CPL/IR studies. Remove this rule.
- A submitter says we should retain the TTMRA provisions in the alternative eligibility requirements.

- A submitter asks will trainers have to be qualified to examine in technically enhanced aircraft (see Category A instructor ratings)?
- Two submitters support the proposal to amend the provisions for eligibility for instrument ratings in co-piloted helicopters. They note that the change from no IFR to being a PIC IFR is a big step and it's good to be able to move through with the benefit of being an IFR co-pilot.
- A submitter was concerned that helicopter pilots seeking IFR should get full IFR, not co-pilot IFR. He cites safety concerns he has experienced with IFR rated co-pilots who couldn't fly properly. He also questions whether IFR training and testing can be done in non-IFR helicopters

Glider tow authorisations

- A submitter objects to the tow authorisation rules, saying they are just there to legitimise the rule 91.711 rules about towing objects other than gliders. Another submitter questions whether it will be possible to find an instructor (examiner?) who can assess competency.
- A submitter notes that not all tow operations involved “pick-ups.” The rule should be amended to allow for those who do not do pick-ups.
- A submitter questions whether it will be possible to find an instructor (examiner?) who can assess competency.(As for eligibility.)

Helicopter external load authorisation

- A submitter says the hours training requirement is excessive. A submitter suggests wording more like 61.725(a)(3) — “complete an approved training course.”
- A submitter says the currency requirement is excessive. A submitter suggests wording more like complete operation proficiency at six monthly intervals, while another submitter suggests that the pilot must demonstrate competency to an approved instructor/examiner, or have done 3 loads in the last 12 months.

General Aviation Flight examiner

- A GA flight examiner must have a Category A flight instructor rating and can issue CPLs and RPLs. However, an airline flight examiner under Parts 121 and 125 can also do this but doesn't need to hold a Category A instructor rating. This is anomalous and should be addressed.
- The proposed rule would require general aviation flight examiners to have completed an approved flight examiner training course within the last 12 months. The submitter suggests examiner training could be provided by Category A instructors who hold Part 141 certificates. A submitter also says that rather than focussing on a one-off ground course to assess examiners, there should be an emphasis on mentoring examiners in their roles.
- A submitter asks does the training requirement only apply to day VFR? He/she says that the requirements for a flight instructor rating are excessive for certain types of flying.
- A submitter says that the limitation on the circumstances under which a flight examiner rating can be used is a good thing and should be kept in the rule. It appears in the NPRM that the limitation will be removed.

General:

- Merge criteria to pass a flight test (for aeroplanes, helicopters and balloons) in 61.151(b),(d) & (f) with the criteria in the instrument rating rule (61.651(b)).
- The rule on PPLs towing gliders needs to exempt adventure aviation operators (to be consistent with CAR 115.609(5)).
- Requirements for currency for demonstrating competency in a multi-engine aircraft should apply to CPL and PPL licence holders. Would flight instructors in this category be exempt from the currency requirement? An annual instrument flight rating competency demonstration conducted in a multi-engine aircraft would satisfy the currency requirement.

Additional matters suggested by submitters that will not be included

The ad-hoc and wide ranging nature of the NPRM proposed prompted submitters to suggest a large number of ideas for change to pilot licensing and rating. These suggestions will not be included in the current NPRM as they are reasonably significant and none were originally consulted, however the list has been provided to the CAA team working on the green fields licensing review, for consideration within that process:

- The CAA should adhere to the provision that, to get an RPL, a person should produce a medical certificate issued under rule 44(1) of the Land Transport Driver Licensing rules.
- People learning to fly micro-lights and LSA should be able to cross-credit to PPL licences. This would need to be allowed for in CAR 149, and relevant Advisory Circulars.
- Remove “during the day” from 157(b)(1)(i) so that it applies to night and day.
- The rule will state that only Category A and B instructors can issue authorisations for Helicopter External Loads. The submitter suggests this authorisation be extended to Category E instructors. Doing so will save money and will not compromise safety.
- The requirement that to be a Category A instructor you must have an instrument rating should be removed. There are good instructors who can’t get the rating because of minor health matters (e.g. colour blindness) but are capable of instructing at this level.
- A submitter suggests increasing the hours needed to hold a Category A. Should be raised from 1250 to 1500.
- A submitter would like to add the text that an Category A instructor must demonstrate his/her ability “to an above average standard.”
- At present, to be eligible for an airline flight instructor rating one must hold an ATPL. However, for some classes of aircraft this is unnecessary — a CPL would be sufficient.
- A submitter suggests changing the currency period to 36 months for Category A
- A submitter says that an examiner should hold a current medical certificate as he/she may need to take control of the aircraft and act as PIC.

- A submitter asks about whether pilots who are examined on an old Cessna 185 would be eligible for insurance if they crashed in a new 185 which is slightly over 1500kg and the pilot would therefore need to also have a written exam. The submitter suggests increasing the weight cut-off to 1700kg.
- A submitter says there no need for examiners to sit a written exam for any aircraft up to 5700kg. The requirements are overkill and place a burden on the sector. Another submitter also says this and says the instructor's discretion to prepare pilots is being taken away.
- A submitter suggests including a category of balloons of less than 120,000 cubic feet.
- 91.701, and 61.9 do not accommodate aerobatics in gliders and are inconsistent with one another. The intention of the rules to allow for aerobatics in gliders needs to be clarified and made consistent.
- A submitter suggests the requirements are too restrictive, and, in the case of daytime only VMC, are unworkable. He also says the towing operations are often specialised and flight instructor sign-off provides no benefits. Submitters also say that there are other special circumstances where the rule is too prescriptive (e.g. air to air gunnery practice).

General comments by submitters

- A submitter asks how the requirements of 61.53(b) can be achieved for solo cross country flight (61.53(a)(3)(ii)). Surely the intent is not for the authorising instructor to fly in loose formation with the student. The submitter thinks the requirement for the authorising instructor to monitor the actions of a student is important, but the rule needs rewording.
- A submitter suggests removing “remuneration” from the rule as a student or PPL may receive a scholarship or cadet-ship and essentially be paid to go flying. The submitter says this does not conflict with the spirit or intention of the rules. Also, this situation is dealt with elsewhere in the rule.
- The merit attributed to solo PIC is different to the value attributed to the dual PIC. This doesn't make sense and should be addressed (note it's an AC matter). It would also be advisable to add 'ground training course' to the requirements.
- CTC suggests the demonstration of competency be done to organisations that are approved under Part 141 and that the trainee must demonstrate knowledge of a structured syllabus on IFR, cross-country and all navigation aids. CTC notes that Category A and B instructors must demonstrate competency while Category C instructors do not need to do so. The CAA is now issuing exemptions in this area
- A Submitter supports the addition of requirement that the instructor has been on a course on how to instruct. The submitter would also like the rule to include a requirement that the instructor demonstrate competence at aircraft handling. We note this is already a requirement
- The rule needs more information about what “advanced mountain flying” is. It isn't defined. The Flight Test Standards Guide and Advisory Circulars 61.3 and 61.5 refer to advanced mountain flying but the CAA acknowledges that it has not developed the syllabus for training in advanced mountain flying. The CAA will develop the syllabus and consult the sector in due course.

- A submitter suggests that for Category A and B instructors the currency requirements be that during the previous 12 months they have demonstrated 3 take offs and landings, at day or night, to the examiner for any aircraft up to 5700 kg MCTOW. They argue that the aircraft are so similar there is no need to demonstrate currency on every type.
- Category A instructor: A submitter suggests that for Category A and B instructors the currency requirements be that during the previous 12 months they have demonstrated 3 take offs and landings, at day or night, to the examiner for any aircraft up to 5700 kg MCTOW. They argue that the aircraft are so similar there is no need to demonstrate currency on every type.
- A submitter suggests the eligibility to be a Category A instructor should include having to demonstrate aircraft handling knowledge and ability. The Flight Test Standards Guide states that these instructors must demonstrate mastery of the topics and must have complete knowledge. There is no need to repeat these provisions in the rule.
- Add a provision for carrying out a BFR for a general aviation flight examiner – this is already enabled
- A submitter suggests that changing the rating for aerobatic pilots to a “prime” rating will increase costs, take time and not improve safety. He suggests leaving the rating as it is — to be issued by Part 141 and 149 certified organisations.
- A submitter says the proposed change to the privileges and limitations for aerobatic pilots will devolve the authority, to authorise aerobatic flying to below 1500 feet for individual pilots, and will eventually lead to short-cuts and a lowering of safety standards. The submitter suggests keeping the authority with the authorised aviation organisation.