



PURSUANT to Sections 28, 29 and 30 of the Civil Aviation Act 1990

I, Hon Julie Anne Genter, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT

This 23 day of July 2018

A handwritten signature in black ink, appearing to read 'Julie Anne Genter', is written over the printed name below.

by Hon Julie Anne Genter

Associate Minister of Transport

Civil Aviation Rules
Part 61, Amendment 14
Pilot Licences and Ratings
Docket 16/CAR/10

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Rule objective

The objective of amendment 14 to Part 61 is to authorise the Director to issue requirements in a notice in respect of any aircraft operation or aviation activity in an aircraft.

This proposal was part of a suite of Small Issues rule amendments contained in a Notice of Proposed Rulemaking (NPRM 17-02) that was issued for public consultation under Docket 16/CAR/10 on 20 February 2017. This proposal has therefore gone through the full consultation process required by section 34 of the Act.

In response to submissions to that consultation, and in light of the pending General Elections in 2017, the Ministry of Transport decided to revise the proposal so as to limit the Director's powers to issue a notice in respect of Robinson helicopters only. This was done, in part, to progress the Small Issues rule amendments in a timely manner to address time sensitive issues contained therein. The intent was that the proposal as consulted on would be resubmitted to the government once those time sensitive matters were addressed.

Extent of consultation

NPRM 17-02 which contained the Small Issues rule amendments was issued for public consultation under Docket 16/CAR/10 on 20 February 2017.

The NPRM was published on the CAA web site and emailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

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

Summary of submissions

Forty five written submissions and no oral comments were received on the NPRM. A summary of submissions for the NPRM is available on the CAA website.

Proposed amendments which included limiting the power of the Director to issue a notice in respect of Robinson helicopters only, were incorporated in amendment 13 to this Part.

Examination of submissions

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

Insertion of amendments

The amendments to the rules in this Part are reflected by:

- revoking and replacing the title of Subpart I, rules 61.311, 61.363, 61.365, 61.367 and 61.911, and revoking rule 61.363A.

Effective date of rule

Amendment 14 to Part 61 comes into force on 27 August 2018

Availability of rules

Civil Aviation Rules are available from—

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

Part 61 Pilot Licences and Ratings

The title of Subpart I is revoked and replaced with the following title.

Subpart I – Requirements for Training, Operation and Use of Aircraft Following a Safety Review

Rule 61.311 is revoked and replaced with the following rule.

61.311 Flight instructor to implement additional training under Part 61 Subpart I

Before issuing a type rating under this Part or authorising a student pilot to fly an aircraft solo under rule 61.105, an appropriately qualified flight instructor must:

- (1) consider whether the Director has issued requirements in a notice under Subpart I in respect of an aircraft, for which the type rating is to be issued, or that the student pilot is to fly solo; and
- (2) the Director has issued requirements in a notice under Subpart I, apply and test the additional training required before issuing the rating or authorising the solo flight.

Rule 61.363 is revoked and replaced with the following rule.

61.363 Purpose

The purpose of this Subpart is to empower the Director to issue requirements in a notice in respect of flight training or persons performing an aircraft operation or aviation activity in an aircraft under rule 61.365.

Rule 61.363A is revoked.

Rule 61.365 is revoked and replaced with the following rule.

61.365 Director may issue a notice in respect of training, operation and use of an aircraft

(a) After complying with rule 61.367, the Director may issue a notice under this Subpart in relation to the operation and use of an aircraft for the following—

- (1) the training required before a person can manipulate the controls or fly an aircraft solo in a particular aircraft type:
- (2) a person performing a particular operation or aviation activity in an aircraft:
- (3) the nature of training specified in paragraph (1) including minimum training, training syllabi and flight hours:
- (4) the requirements for dual instruction, including the nature of dual instruction:
- (5) the requirements for recording the required training in the pilot logbook:
- (6) the person who provides training specified in paragraph (1):
- (7) the eligibility and other requirements for flight instructors to conduct the training specified in paragraph (1):
- (8) the eligibility and other requirements for flight examiners to assess the training specified in paragraph (1).

(b) If a pilot with an existing type rating for an aircraft is required to undergo further instruction, training or assessment in relation to the type rating, the pilot cannot exercise the privileges of that type rating until the pilot has complied with the requirements specified in the notice.

(c) Any person specified in a notice referred to in paragraph (a) as having to comply with a requirement in the notice must comply with that requirement.

Rule 61.367 is revoked and replaced with the following rule.

61.367 Process prior to issuing or amending a notice

Before issuing or amending a notice referred to in rule 61.365, the Director must—

- (1) conduct a safety review to assess the risk to aviation safety of the operation of an aircraft giving rise to particular safety concerns by taking into account—
 - (i) relevant safety information concerning the operation of a particular aircraft type or the operation of aircraft in particular conditions; and
 - (ii) information about how ICAO or other ICAO Contracting States are responding to the risk; and
 - (iii) any other information that the Director considers may be relevant; and
- (2) consult publicly by publishing the initial or amended notice on the CAA website; and
- (3) consider—
 - (i) if the aircraft manufacturer or other party can mitigate or eliminate any identified risk to aviation safety; and
 - (ii) whether, if the actions identified under paragraph(i) are taken, the risks to aviation safety will be managed to a level the Director considers appropriate; and
- (4) determine, after conducting the safety review, if requirements in a notice should be issued because—
 - (i) there is a significant risk to aviation safety regarding the make and model of the aircraft, including the operation of the aircraft in particular conditions; and
 - (ii) the risk may be managed by the pilot of the aircraft undergoing instruction, training or assessment additional to those required under this Part before a student pilot is authorised to manipulate the controls of the aircraft or make a solo flight, or a pilot licence is endorsed with a type rating, or a pilot with an existing licence or type rating can fly the aircraft.

Rule 61.911 is revoked and replaced with the following rule.

61.911 Flight examiner to implement additional training under Part 61 Subpart I

Before conducting a flight test for which authorisation has been granted by the Director for the issue of pilot licences or for the issue or renewal of ratings, an appropriately qualified flight examiner must:

- (1) consider whether the Director has issued requirements in a notice under Subpart I in respect of an aircraft for which the licence or type rating is to be issued; and
- (2) if the Director has issued a notice under Subpart I, apply and test the additional training required before issuing the rating.