



PURSUANT to Section 30 of the Civil Aviation Act 1990

I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *22nd* day of *November* 2006

by **HARRY JAMES DUYNHOVEN**

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', is written over the printed name. To the right of the signature is a large, stylized graphic element consisting of a circle and a triangle pointing to the right, which is part of the CAA logo.

Minister for Transport Safety

Civil Aviation Rules

Part 1, Amendment 33

Definitions and Abbreviations

Docket 1/CAR/1357

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Rule objective

The objective of amendment 33 to Part 1 is to amend various definitions and abbreviations in Part 1 and to insert new definitions and abbreviations. These amendments are primarily associated with the airworthiness and maintenance requirements for aircraft.

Amendment 33 to Part 1 is consequential to the following amendments to other Parts:

- Amendment 7 to Part 21:
- Amendment 10 to Part 39:
- Amendment 5 of Part 43:
- Amendment 15 to Part 91:
- Amendment 2 to Part 148.

Extent of consultation

In 1999 the Civil Aviation Industry Rules Advisory Group (CIRAG) Executive established a Technical Study Group (TSG) to participate in a rule making project to amend and update various rules relating to the airworthiness and maintenance requirements for aircraft. A number of the issues to be addressed arose from an investigation carried out by the CAA in 1997 into the concerns about maintenance standards and practices for aircraft less than 5,700 kg maximum certified take-off weight (MCTOW). Other issues to be addressed arose from various petitions for amendments to be made to airworthiness and maintenance rules.

The TSG was made up of representatives from general aviation (fixed wing operators), aircraft maintenance organisations, helicopter operators, and the Aircraft Owners and Pilots Association. The TSG met 4 times and concluded its work in early 2002. The CAA continued to refine the draft rule proposals during 2002 and 2003 and released the draft rules to a representative industry group for comment before they were published for public consultation.

A Notice of Proposed Rulemaking, NPRM 05-04, containing the proposed rule amendments to Parts 1, 43, 91, and 145 was issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

Two other associated Notices of Proposed Rulemaking, NPRM 05-05 dealing with amendments to Parts 21, 26, 39, 146, and 148, and NPRM 05-06 dealing with amendments to Parts 119, 103, 104, 121, 125, 135, and 137, were also issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

The publication of these NPRMs was notified in the Gazette on 5 May 2005 and advertised in the daily newspapers in the five main provincial centres on 7 May 2005. The NPRMs were published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 46 days was initially allowed for comment on the proposed amendments to the rules and this was extended upon industry request for a further 10 days.

New Zealand Transport Strategy

The development of the NPRM and the proposed rule changes took into account the objectives of the New Zealand Transport Strategy (NZTS) and the provisions of the Civil Aviation Amendment Act (No 2) 2004.

Amendment 33 to Part 1 has been assessed as follows against the NZTS:

Assisting Economic Development— the rule amendment is unlikely to affect economic development:

Assisting safety and personal security— the rule amendment is unlikely to affect safety and personal security issues:

Improving access and mobility—the rule amendment is unlikely to affect access and mobility issues:

Protecting and promoting public health— the rule amendment is unlikely to affect public health:

Ensuring environmental sustainability—the rule amendment is unlikely to affect environmental sustainability.

Summary of submissions

Eighty written submissions were received on the 3 NPRMs. Nine submissions related to the proposed amendments to Part 1. These submissions and comments have been considered and as a result the following changes have been made to the rules in amendment 33 to Part 1:

- a new definition for ICAO Contracting State has been inserted.
- a new definition for technical log has been inserted.
- the definition for State of Design has been amended.
- a minor editorial correction has been made to abbreviation dBW.

The rule as amended was then referred to Parliament's Regulations Review Committee before being signed by the Minister for Transport Safety.

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 the revocation of some existing definitions and abbreviations and replacing them with new definitions and abbreviations, and the insertion of new definitions and abbreviations.

Effective date of rule

Amendment 33 to Part 1 comes into force on 1 March 2007.

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 1 Amendments

1.1 General definitions

The definition of Airworthiness data is revoked and replaced by the following new definition:

Airworthiness data means any information necessary to ensure an aeronautical product or a product or component can be maintained in an airworthy condition:

The definition of Airworthiness directive is revoked and replaced by the following new definition:

Airworthiness directive means a mandatory airworthiness requirement that specifies modifications, inspections, conditions, or limitations to be applied to an aircraft or aeronautical product to ensure continued safe operating conditions:

The following new definition is inserted after the definition of Controlled flight:

Control system means a system that has the ability to directly change the flight path, attitude, or propulsive force of an aircraft, and includes the flight controls, the engine and propeller controls, the related system controls, and the associated operating mechanisms:

The following new definition is inserted after the definition of Decision height:

Defect means a change in the state or quality of an aeronautical product, a product, or a component that makes it unfit for its intended purpose and not in an airworthy condition:

The definition of Emergency airworthiness directive is revoked and replaced by the following new definition:

Emergency airworthiness directive means an airworthiness directive that is issued by the Director in accordance with section 72I(3C) of the Act:

The following new definition is inserted after the definition of ICAO Annex:

ICAO Contracting State means a State that is a signatory to the Convention; and includes an organisation established by a group of States that are signatories to the Convention to issue an aviation related document or authorisation on behalf of those States:

The following new definition is inserted after the definition of Incident:

Instructions for continued airworthiness means current airworthiness data provided by the manufacturer of an aeronautical product, a product, or a component, and include any related airworthiness limitations mandated by the airworthiness authority of the State of Design:

The definition of Lifed is revoked and replaced by the following new definition:

Lifed, in relation to an aeronautical product or a product or component, means that the instructions for continued airworthiness for the aeronautical product, product, or component specify—

- (1) a finite life time for the aeronautical product, product, or component; or
- (2) a recommended or mandatory overhaul time for the aeronautical product, product, or component:

The following new definition is inserted after the definition of Maintenance:

Maintenance logbook means—

- (1) one of the following logbooks as may be appropriate:
 - (i) CAA 2101 Aircraft Logbook:
 - (ii) CAA 2110 Propeller Logbook:
 - (iii) CAA 2158 Engine Logbook:

- (iv) CAA 1464 Aircraft Airworthiness Directives, Aircraft Modifications, Engine and Propeller Installations Logbook; or
- (2) any other document or storage medium that—
 - (i) is acceptable to the Director; and
 - (ii) provides a record of the maintenance status of the aircraft, product, or component:

The following new definition is inserted after the definition of Pressure altitude:

Priority part means a part or assembly in a type certificated product, the failure of which is likely to cause an unsafe condition in an aircraft, aircraft engine or propeller:

The definition of Standard part is revoked and replaced by the following new definition:

Standard part means an aeronautical product that conforms to an aeronautical specification that is published in one of the following series and includes design, material, manufacture, and identification requirements:

- (1) Air Force-Navy Aeronautical Standard (AN):
- (2) American National Standards Institute (ANSI):
- (3) Australian Standards (AS):
- (4) British Standards, Aircraft Series (BS):
- (5) Military Standards (MS):
- (6) Military Specifications (MIL-SPEC):
- (7) National Aerospace Standards (NAS):
- (8) New Zealand Standards (NZS):

(9) SAE Aerospace standard (AS):

(10) Society of Automotive Engineers (SAE):

The following new definition is inserted after the definition of Standard part:

State of Design means the State, or an organisation established by a group of States, having jurisdiction over the organisation responsible for the type design:

The following new definition is inserted after the definition of Taxi:

Technical arrangement means an arrangement between New Zealand and another State to mutually recognise each State's aircraft maintenance organisation certification, maintenance standards and documentation, and personnel licences and certificates to allow maintenance performed on aircraft and components in one State to be recognised by the other State in accordance with the terms of the arrangement:

The following new definition is inserted after the definition of Technical instructions:

Technical log means the technical log that is required for every applicable aircraft under rule 91.619:

1.3 Abbreviations

The abbreviation of dbm is revoked and replaced by the following new abbreviation:

dBm means a power expressed in decibels with a reference level of 1 milliwatt:

The abbreviation of dbw is revoked and replaced by the following new abbreviation:

dBW means a power expressed in decibels with a reference level of 1 watt:

The following new abbreviation is inserted after the abbreviation SSR:

STC means Supplemental Type Certificate:

*The following new abbreviation is inserted after the abbreviation
TAWS:*

TBO means time between overhaul:

Consultation Details

(This statement does not form part of the rules contained in Part 1. It provides details of the consultation undertaken in making the rules.)

A review of the continuing airworthiness and maintenance requirements for New Zealand aircraft has been under development since 1998 following a review of the state of aircraft maintenance that was carried out in 1997. The changes to Part 43 are the central part of a package of changes that update rules relating to the maintenance of aircraft. The package was developed under docket 1/CAR/1357 and published in May 2005 as 3 separate Notices of Proposed Rule Making, NPRM 05-04 dealing with Part 43 and related rule Parts 91, and 145, NPRM 05-05 dealing with Part 21 and related Parts 26, 39,146, and 148, and NPRM 05-06 dealing with Part 119 and related Parts 103, 104, 121, 125, 135, and 137. The changes to the various rules are based on the 1997 review of aircraft maintenance and proposals arising from a CAA-Industry Technical Study Group set up in 1999.

The 3 Notices of Proposed Rulemaking, NPRM 05-04 Part 43 General Maintenance Rules, NPRM 05-05 Part 21 Certification of Products and Parts, and NPRM 05-06 Part 119 Air Operator – Certification, containing the proposed rules were issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

Comments arising from the NPRM

A total of 80 written submissions were received on the 3 NPRMs, mostly in relation to the Part 43 and 91 changes but 9 submissions included comment on the proposed amendments to Part 1. The CAA has worked through these submissions and as a result has amended the rules where appropriate.

The consultation details relating to amendment 33 to Part 1 are contained in the consultation details of amendment 5 to Part 43. The submissions and all background material used in developing the rules are held on the docket file and are available for public inspection at Aviation House, 10 Hutt Road Petone. Persons wishing to view the docket should contact the Docket Clerk on Phone +64 560 9603 and ask for docket 1/CAR/1357.