



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

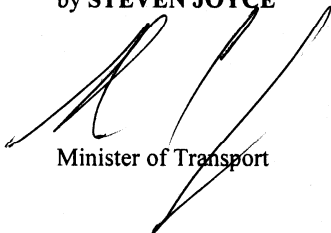
I, STEVEN JOYCE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *17th* day of *February* 2010

by **STEVEN JOYCE**



Minister of Transport

Civil Aviation Rules

Part 12, Amendment 5

Accidents, Incidents, and Statistics

Docket 9/CAR/1

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Rule objective

The objective of amendment 5 to Part 12 is to make minor editorial and minor technical changes to facilitate clearer interpretation of the rule, including the elimination of redundant definitions.

Amendment 5 to Part 12 is constituent to NPRM 09-03 which contains amendments to the following Parts:

Part 1	Part 95	Part 140
Part 12	Part 105	Part 145
Part 19	Part 106	Part 148
Part 26	Part 119	Part 172
Part 43	Part 121	Part 173
Part 65	Part 125	Part 175
Part 77	Part 129	
Part 91	Part 135	
Part 93	Part 139	

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 09-03, containing the proposed changes to Part 12 and changes to other rules was issued for public consultation under Docket 9/CAR/1 on 30 July 2009.

The publication of this NPRM was notified in the Gazette on 31 July 2009 and advertised in the daily newspapers in the five main provincial centres on 31 July 2009. The NPRM was published on the CAA web site on 30 July 2009.

A period of 37 days was allowed for comment on the proposed rule.

Summary of submissions

A total of 3 written submissions were received on NPRM 09-03 (1 submission related to Part 1, and 2 submissions related to Part 91). However, no submissions were received relating to Part 12, and consequently no changes were made to the proposed amendments.

The rule was then referred to the Minister of Transport for signing.

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 a definition and the revocation and replacement of a rule.

Effective date of rule

Amendment 5 to Part 12 comes into force on 25 March 2010.

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 12 Amendments

Subpart A — General

12.3 Definitions

The definition Flight crew member is revoked:

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

Rule 12.55 is revoked and replaced by the following rule:

12.55 Notification of incident

(a) A holder of a certificate granted under section 9 of the Act and issued in accordance with the following Parts must notify 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:

- (1) Parts 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, 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, 172, 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.
- (d) The notification of an incident required by paragraphs (a), (b), and (c) must be conveyed by a means acceptable to the Authority and contain, where ascertainable, information in accordance with the following:
- (1) for airspace incidents, Appendix A(a):
 - (2) for defect incidents, Appendix A(b):
 - (3) for facility malfunction incidents, Appendix A(c):
 - (4) for aircraft incidents, Appendix A(d):
 - (5) for security incidents, Appendix A(e):
 - (6) for promulgated information incidents, Appendix A(f):
 - (7) for aerodrome incidents, Appendix A(g):
 - (8) for a cargo security incident, Appendix A(h):
 - (9) for dangerous goods incidents, bird incidents, or any other incident, Appendix A(i).

Consultation Details

(This statement does not form part of the rules contained in Part 12. It provides details of the consultation undertaken in making the rules.)

A Notice of Proposed Rulemaking, NPRM 09-03 Omnibus 2009, containing the proposed rule amendments for Part 12, and other proposed rule amendments in various Parts, was issued for public consultation under Docket 9/CAR/1 on 30 July 2009.

A period of 37 days was allowed for comment on the proposed rule.

A total of 3 written submissions were received on NPRM 09-03 (1 submission related to Part 1, and 2 submissions related to Part 91). However, no submissions were received relating to Part 12.

The purpose of NPRM 09-03 was to make minor editorial and minor technical amendments to various Parts of the Civil Aviation Rules (CAR). The proposed amendments included the correction of spelling and grammatical errors, the updating of various rules in accordance with current International Civil Aviation Organization (ICAO) standards, definitions and abbreviations, and the revocation of specific transitional arrangements.