



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 ^{11th} day of ^{October} 2011

by **STEVEN JOYCE**

A large, stylized handwritten signature in black ink, appearing to be 'S. Joyce', is written over the printed name 'STEVEN JOYCE'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Minister of Transport

Civil Aviation Rules
Part 43, Amendment 9
General Maintenance Rules
Docket 5/CAR/1

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Rule objective

The objective of amendment 9 to Part 43 is to update the general maintenance rules as a consequence to the introduction of the new Part 115 adventure aviation rules.

Extent of consultation

The Director was approached by interested parties in the early 1990's requesting that a rule be developed to allow the carriage of passengers for hire or reward in aircraft engaged in activities that could best be described as 'adventure aviation'. The basic concepts were discussed in 1994 at an industry meeting that was attended by CAA. The concepts included types of aircraft eligible, and passengers flying at their own risk.

In 1996 McGregor & Company and Aviation Consultancy Services Pty Ltd presented a report to the Civil Aviation Authority on adventure aviation. The report concluded that the adventure aviation sector should be either regulated or stopped. As a result, CAA agreed to proceed with the selection of a Civil Aviation Rules Advisory Group (CIRAG) for the development of Rule Part 115 Adventure Aviation.

Part 115 was originally put to the industry as an NPRM in 1999. This NPRM attracted a number of comments, and prompted a review of CAA's policy which limited proposed "extreme" activities. The Part 115 Project was suspended in June 2002 due to other CAA priorities.

In 2003, the industry and CIRAG requested that the CAA undertake another review to determine the need for Part 115. The request was based on a concern that operational standards for adventure aviation operators were below the standards required for Part 135 certificate holders.

In July 2006, the Director agreed to introduce a new Part 115 rule development project with updated regulatory objectives that reflect the contemporary environment. Prior to the publication of notice of proposed rulemaking (NPRM) 10-02, the rule development project for Part 115 was undertaken in consultation with a project working group (PWG) that consisted of representatives from each of the adventure aviation industry sectors (i.e. hot air ballooning; hang gliding;

paragliding; gliding; parachuting; special category aircraft – warbirds; and microlight aircraft operations).

NPRM 10-02, containing the proposed amendment to Part 43 was issued for public consultation under Docket 5/CAR/1 on 23 September 2010.

The publication of the NPRM was notified in the Gazette (No. 124) on 23 September 2010. The NPRM was published on the CAA web site and mailed to identified stakeholders.

A period of 42 working days to 19 November 2010 was allowed for comment on the proposed rule.

Summary of submissions

A total of 33 written submissions were received on the NPRM. No changes were made to Part 43 as a result of the submissions, however a change was made to Appendix E.1(d) to correct the reference to paragraph E.4.

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 are reflected by the revocation of 1 existing rule and 1 appendix paragraph and the insertion of a new rule and a new appendix paragraph in their place.

Effective date of rule

Amendment 9 to Part 43 comes into force on 10 November 2011.

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 43 General Maintenance Rules

Rule 43.54 is revoked and replaced by the following rule:

Subpart B — Maintenance

43.54 Maintenance required under Part 145

(a) A person must not (except under the authority of a maintenance organisation certificate issued by the Director under the Act and Part 145) perform maintenance on, or certify for release-to-service,—

- (1) an aircraft that has a MCTOW of more than 5700 kg or a certificated passenger seating configuration, excluding any required crew member seat, of 10 seats or more if the aircraft is used to perform—
 - (i) air operations under the authority of an air operator certificate issued by the Director under the Act and Part 119; or
 - (ii) adventure aviation operations under the authority of an adventure aviation operator certificate issued by the Director under the Act and Part 115; or
- (2) a component fitted or intended to be fitted to an aircraft referred to in paragraph (1).

(b) Except as provided in paragraph (c), a person must not (except under the authority of a maintenance organisation certificate issued by the Director under the Act and Part 145) perform any of the following kinds of maintenance on an aircraft or component, or certify the aircraft or component for release-to-service after the maintenance:

- (1) overhaul of a component:
- (2) maintenance on an aircraft or component if the relevant instructions for continued airworthiness require the use of a jig that is approved or certified by the manufacturer or that is approved by the Director:

- (3) maintenance on a component if the maintenance involves the disturbance of any part of the component that is supplied as a bench tested unit, except if—
 - (i) the disturbance is for the replacement or adjustment of a part normally replaceable or adjustable in service; and
 - (ii) subsequent functioning of the part disturbed can be demonstrated without the use of test apparatus that is additional to the test apparatus used for normal functioning checks:
- (4) maintenance on an aircraft engine if the maintenance involves—
 - (i) dismantling and reassembly of a piston engine, except where the dismantling and reassembly is to obtain access to the piston or cylinder assembly; or
 - (ii) dismantling and reassembly of a main casing or main rotating assembly of a turbine engine, except if the dismantling and reassembly is for the replacement of a main casing or rotating assembly and the instructions for continued airworthiness for the engine provides instructions for the replacement, and the replacement of the main casing or rotating assembly of the engine is achieved solely by disconnecting the flanges of main casings; or
 - (iii) disturbance of reduction gear:
- (5) aircraft propeller balancing other than in situ dynamic propeller balancing in accordance with the aircraft manufacturer's instructions:
- (6) maintenance on a helicopter if the maintenance involves the dismantling of any transmission gearbox, except if the dismantling is for separation of casings to obtain access for the purpose of internal inspection in accordance with the helicopter manufacturer's instructions.

- (c) Except for an aircraft that is operated on an adventure aviation operation, paragraph (b) does not apply to—
- (1) an aircraft that has a *special category* airworthiness certificate issued by the Director under the Act and Subpart H of Part 21; or
 - (2) a microlight aircraft; or
 - (3) a glider or powered glider; or
 - (4) a hot air balloon.

Appendix E—ATC Transponder Tests and Inspections

Appendix E.1 is revoked and replaced by the following appendix:

This appendix applies to a person referred to in rule 43.63.

E.1 General

- (a) The ATC transponder tests may be conducted using a bench check or portable test equipment.
- (b) If portable test equipment with appropriate coupling to the aircraft antenna system is used, operate the test equipment for ATCRBS transponders at a nominal rate of 235 interrogations per second to avoid possible ATCRBS interference.
- (c) For Mode S, operate the test equipment at a nominal rate of 50 Mode S interrogations per second.
- (d) An additional 3 dB loss is allowed to compensate for antenna coupling errors during receiver sensitivity measurements conducted under paragraph E.4 (a)(3) below when using portable test equipment.

Consultation Details

A Notice of Proposed Rulemaking, NPRM 10-02 *Part 115 Adventure Aviation – Certification and Operations*, was issued for public consultation under Docket 5/CAR/1 on 23 September 2010.

A total of 33 responses to the NPRM were received - 9 submissions were from individuals, and 24 from organisations.

Details regarding the list of submitters and a summary of the public submissions can be found in the consultation details of the final rule document for the initial issue of Part 115.