



PURSUANT to Sections 28, 29 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**


Minister of Transport

Civil Aviation Rules

Part 61, Amendment 10

Pilot Licences and Ratings

Docket 5/CAR/1

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Rule objective

The objective of amendment 10 to Part 61 is to update the pilot licences and ratings 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 61 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. The submissions were considered and as a result the following change was made:

- Rule 61.155(c) – Amend by adding “or under the authority of an adventure aviation operator certificate issued in accordance with Part 115”.

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 2 existing rules and the insertion of 2 new rules in their place.

Effective date of rule

Amendment 10 to Part 61 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 61 Pilot Licences and Ratings

Subpart A — General

Rule 61.39 is revoked and replaced by the following rule:

61.39 Biennial flight review

(a) Except as provided in paragraph (b), the holder of a pilot licence issued by the Director under the Act and this Part must not exercise the privileges of the pilot licence for longer than 24 months from the date of the issue flight test for the pilot licence unless the holder—

- (1) has successfully completed a biennial flight review under paragraph (c) within the previous 24 months; or
- (2) for a glider pilot licence, has completed a biennial flight review conducted by a gliding organisation within the previous 24 months.

(b) The holder of a pilot licence issued by the Director under the Act and this Part is not required to complete a biennial flight review required by paragraph (a) if the holder—

- (1) meets the flight crew competency check requirements prescribed in Part 115, or Parts 119 and 121, 125 or 135 that are applicable to the holder's pilot licence; or
- (2) meets the agricultural currency requirements prescribed in rule 61.707; or
- (3) holds a current Category A, B, or C flight instructor rating.

(c) A biennial flight review must—

- (1) be conducted by an appropriately qualified flight instructor; and
- (2) consist of flight instruction to review those manoeuvres and procedures applicable to the pilot licence privileges the holder wishes to exercise; and

- (3) be in accordance with standards acceptable to the Director.
- (d) A flight instructor conducting a biennial flight review must—
 - (1) enter an appropriate record in the pilot's logbook immediately after the flight review has been satisfactorily completed and include the following information:
 - (i) the pilot licence type to which the flight review relates;
 - (ii) the date on which the flight review was completed;
 - (iii) the date on which the flight review ceases to be effective;
 - (iv) the name, flight instructor category, and CAA client number of the person conducting the flight review; and
 - (2) complete the appropriate CAA Biennial Flight Review Form and submit a copy of the completed form to the Director and to the pilot.
- (e) A pilot who completes the biennial flight review required by paragraph (a) within 60 days before the date on which it is required, is deemed to have completed the biennial flight review on the required date.

Subpart D Private Pilot Licences

Rule 61.155 is revoked and replaced by the following rule:

61.155 Privileges and limitations

- (a) Subject to paragraph (b)(3), the holder of a current private pilot licence may—
 - (1) act as pilot-in-command of an aircraft of the category for which the pilot licence is granted and for which the pilot holds an aircraft type rating, and may carry passengers in the aircraft; and

- (2) act as a co-pilot of an aircraft of the category for which the pilot licence is granted and for which the pilot holds an aircraft type rating, and which is required to be operated with a co-pilot.
- (b) The holder of a private pilot licence must not act as pilot-in-command or as co-pilot of an aircraft—
- (1) for remuneration; or
 - (2) if the aircraft is being operated for hire or reward; or
 - (3) if the aircraft is—
 - (i) being operated at night; or
 - (ii) being operated on a cross country flight; or
 - (iii) a helicopter carrying a sling load—

unless an appropriately qualified flight instructor has certified in the holder's logbook that the holder has satisfactorily completed the flight training required to perform that activity.
- (c) Despite paragraph (b)(2), the holder of a current private pilot licence may act, but not for remuneration, as pilot-in-command or as a co-pilot of an aircraft that is operated for hire or reward to tow a glider in flight, but only if the operation is under the direct control of a gliding organisation, or under the authority of an adventure aviation operator certificate issued by the Director under the Act and Part 115.

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.