WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, JENNIFER MARY SHIPLEY, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 20th day of February 1997

by **JENNIFER MARY SHIPLEY**

Minister of Transport

Civil Aviation Rules

Part 105

Parachuting — Operating Rules

Docket Nr. 1029

Civil Aviation Rules

Part 105

Parachuting — Operating Rules

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Part 105 is to prescribe the operating rules for parachuting.

In May 1990 the Air Transport Division of the Ministry of Transport published a notice of intention to carry out a complete review of the aviation regulatory system. This notice, in Civil Aviation Information Circular Air 3, listed the areas in which rules would be made and invited interested parties to register their wish to be part of the consultative process. The Register was identified as the Regulatory Review Consultative Group.

A draft of Part 105 was developed by the rules rewrite team in consultation with members of the consultative group. An informal draft was published and distributed on 20 July 1994 and a period of informal consultation followed. This culminated in the issue of Notice of Proposed Rulemaking 95-2 under Docket 1029 on 26 April 1995.

The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 26 April 1995. The notice was mailed to members of the Regulatory Review Consultative Group and to other parties, including overseas Aviation Authorities and organisations, who were considered likely to have an interest in the proposal.

A period of 63 days was allowed for comment on the proposed rule.

The submissions and verbal comments were considered and where appropriate the proposed rules amended to take account of the comments made.

The rules as amended were then referred to and signed by the Minister of Transport.

Part 105 comes into force on 1 April 1997.

List of Rules

Subpart A — General

105.1 Applicability

This Part prescribes rules governing—

(1) parachute operations other than—

(i) emergency parachute descents; and

(ii) parachute descents that are not from aircraft; and

(2) parachute equipment; and

(3) parachute maintenance.

105.3 Definitions and abbreviations

In this Part—

Altimeter means a visually read instrument for measuring height throughout descent:

Automatic activation device means an automatic altitude and descent-rate sensor designed to self activate a parachute:

Certificate, in relation to a personnel qualification required by this Part, means a certificate issued by the holder of—

(1) a delegation from the Director for that purpose; or

(2) an approval from the Director, for an organisation's members to make parachute descents, that is current on 1 April 1997:

Student parachutist means a person who is defined as a student in the operating rules of their parachute organisation:

Tandem master means the person responsible for the direct control of a tandem parachute descent:

Tandem pair means a tandem master and tandem rider:

Tandem parachute descent means a parachute descent of a tandem pair in a common tandem parachute assembly:

Tandem rider means a person participating in a tandem parachute descent using the secondary harness of a tandem harness system:

AAD means automatic activation device.

105.5 Persons making parachute descents

(a) Except as provided in paragraphs (b) and (c), each person making a parachute descent shall—

(1) hold a parachutist certificate; and

(2) comply with the privileges and limitations of their certificate and any ratings; and

(3) comply with the operational standards and procedures contained in the parachute organisation's exposition.

(b) A student parachutist is not required to comply with paragraph (a) if they are under the supervision of an instructor who holds an instructor rating issued by a parachute organisation.

(c) A tandem rider is not required to comply with paragraph (a) if they are under the control of a tandem master who—

(1) holds a tandem master rating issued by a parachute organisation; and

(2) is at least 18 years old; and

(3) holds a current Class 2 medical certificate issued under Part 67.

105.7 Hazard

A person making a parachute descent shall not unnecessarily hazard—

(1) the parachute-drop aircraft or its occupants; or

(2) other parachutists or other air traffic; or

(3) persons or property on the ground.

105.9 Exit of aircraft

A person shall not exit an aircraft to make a parachute descent unless authorised to exit by—

(1) the pilot-in-command; or

(2) a person nominated by the pilot-in-command for that purpose.

105.11 Minimum parachute activation altitude

(a) Except as provided in paragraphs (b) and (c), each person making a parachute descent shall activate the main parachute at a height of not less than 2000 feet.

(b) A student parachutist shall activate the main parachute at a height of not less than 3000 feet.

(c) A tandem master shall activate the main parachute at a height of not less than 5000 feet.

105.13 Parachute drop zone

Each person making a parachute descent shall descend—

(1) within a PDZ designated under Part 73; or

(2) within airspace designated under Part 71 as class C or D; or

(3) within an area authorised by a parachute organisation provided the details of the descent have been promulgated by means of an AIP Supplement or NOTAM.

[Until Part 73 comes into force, the parachute drop zones are prescribed in Part 19.

Until Part 71 comes into force airspace is classified and designated under Part 19]

105.15 Parachute landing area

(a) Each person making a parachute descent shall land within a PLA that is designated by a parachute organisation.

(b) Simultaneous parachute and aircraft movements may only be conducted at aerodromes when the PLA is located clear of—

(1) any part of the movement area that is in use; and

(2) any runway that is in use; and

(3) any taxiway which is in use; and

(4) the approach and departure areas of any runway and heliport in use.

(c) A person making a parachute descent into a water PLA shall ensure—

(1) the PLA has a clearly defined perimeter; and

(2) adequate arrangements have been made to retrieve all parachutists.

105.17 Ground signal

If a ground signal is used to indicate that parachute descents are taking place, that signal shall consist of a white circle with an attached cone pointing into the wind.

105.19 Controlled airspace

(a) A person shall not carry out a parachute operation in controlled airspace except in accordance with an agreement between the local parachute operators and the ATC unit responsible for that airspace.

(b) Each person making a parachute descent in controlled airspace shall—

(1) obtain an ATC clearance for that descent; and

(2) descend in accordance with that clearance.

105.21 Descents onto aerodromes

Each person making a parachute descent onto an aerodrome shall—

(1) have the prior agreement of the aerodrome operator; and

(2) if ATS is not in attendance, avoid the pattern of traffic formed by other aircraft operating within the PDZ at the aerodrome.

105.23 Descents within military operational areas and restricted areas

A person shall not make a parachute descent within a military operational area or restricted area designated under Part 73 unless they have the approval of the controlling authority specified for the area.

[Until Part 73 comes into force, restricted areas are prescribed in Part 19]

105.25 Clearance from cloud

(a) Except as provided in paragraph (b), a person making a parachute descent shall remain clear of cloud.

(b) A person may descend through cloud in airspace designated under Part 71 as controlled airspace, and classified as class C or D, if they have an ATC clearance to do so.

[Until Part 71 comes into force; airspace is classified and designated under Part 19]

105.27 Descents from higher altitudes

(a) Each person making a parachute descent from an unpressurised aircraft shall—

(1) when between altitudes of 10 000 and 13 000 feet for longer than 30 minutes, use supplementary oxygen until immediately prior to exiting the aircraft; and

(2) when between altitudes of 13 000 and 20 000 feet, use supplementary oxygen until immediately prior to exiting the aircraft.

(b) Each person making a parachute descent from a pressurised aircraft shall, when between altitudes of 13 000 and 20 000 feet, use supplementary oxygen during the period from immediately prior to depressurisation to immediately prior to exiting the aircraft.

(c) Each person making a parachute descent from altitudes above 13 000 feet shall have satisfactorily completed a training course, for high altitude descents, conducted by a parachute organisation.

(d) Each person making a parachute descent from altitudes above 20 000 feet shall use individual supplementary oxygen from immediately prior to depressurisation, or from immediately after disconnection from any aircraft mounted supplementary oxygen system, until descent below an altitude of 13 000 feet.

Subpart B — Parachute Equipment

105.51 Parachutes

(a) Each person or tandem pair making a parachute descent shall be equipped with a main parachute that complies with the technical standards of a parachute organisation.

(b) Each person or tandem pair making a parachute descent shall be equipped with a reserve parachute assembly which—

(1) complies with the technical standards of a parachute organisation; and

(2) has been inspected, re-packed and certified as airworthy within the previous 7 months by a parachute technician in accordance with the technical standards of a parachute organisation.

(c) Each tandem rider making a tandem descent shall wear a harness which—

(1) complies with the technical standards of a parachute organisation; and

(2) is properly secured to a matching tandem-master harness.

105.53 Altimeter

Each person, or tandem pair, making a free-fall descent of more than 10 seconds shall—

(1) be equipped with a serviceable altimeter of a type suitable for parachuting; and

(2) be equipped with an illuminated altimeter at night; and

(3) prior to take-off, zero the altimeter to the PLA.

105.55 Automatic activation devices

Each student parachutist or tandem pair making a parachute descent shall be equipped with an AAD on the reserve parachute that has been—

(1) certified as compatible with the parachute assembly on the parachute assembly packing-record, required by 105.111, by a parachute technician; and

(2) maintained and calibrated in accordance with the manufacturer's operating instructions; and

(3) set to operate the reserve parachute at a minimum height above the PLA of—

(i) for a student parachute descent, 1000 feet; or

(ii) for a tandem parachute descent, 2000 feet; or

(iii) such height as predetermined and set within the AAD by the AAD manufacturer for the category of use and zeroed to the PLA; and

(4) inspected by the parachute technician in accordance with the manufacturer's instructions.

105.57 Safety equipment

(a) Each person making an intentional parachute descent into water shall wear suitable flotation equipment capable of supporting that person's head clear of the water.

(b) Each student parachutist making an intentional parachute descent within 1 nautical mile of a water hazard shall wear suitable flotation equipment capable of supporting that person's head clear of the water.

(c) Each student parachutist making a parachute descent shall wear a serviceable, rigid, protective helmet of a type approved by a parachute organisation.

(d) Each tandem pair making a parachute descent shall wear protective headgear approved by a parachute organisation.

Subpart C — Parachute Maintenance

105.101 Parachute technician

Each parachute technician shall—

(1) be at least 18 years old; and

(2) hold a parachute technician certificate issued by a parachute organisation; and

(3) comply with the privileges and limitations of their certificate; and

(4) comply with the operational standards and procedures of the parachute organisation.

105.103 Airworthiness and safety directives

A person shall not make a parachute descent unless the parachute assembly complies with—

(1) any applicable airworthiness directive issued by the Director; and

(2) any applicable safety directive issued by a parachute organisation; and

(3) all mandatory modifications or instructions issued by the manufacturer.

105.105 Parachute serviceability

(a) Each person who finds a parachute assembly to be unserviceable or unairworthy shall ensure that the assembly is clearly marked as unserviceable.

(b) No person shall return to service a parachute assembly that has been marked as unserviceable until it has been re-inspected and returned to a serviceable and airworthy state.

105.107 Modification and repair

A person shall not use a parachute, or harness and container system, that has been modified or repaired in a manner that may affect the airworthiness of the parachute assembly, unless it is re-inspected and re-assessed by a parachute technician in accordance with the technical standards of a parachute organisation.

105.109 Parachute assembly check

(a) Except as provided in paragraphs (b) and (c), a person shall not make a parachute descent unless they have checked the state of serviceability of their parachute assembly by—

(1) reference to the assembly packing record for the parachute assembly; and

(2) a comprehensive external check; and

(3) checking that all equipment is properly set to operate; and

(4) ensuring that no item being carried will interfere with the proper functioning of the parachute assembly.

(b) For student parachutists, the person authorised by the parachute organisation to directly supervise the descent of the student shall inspect the equipment being worn by the student, in accordance with paragraph (a).

(c) For tandem riders, the tandem master shall inspect the equipment being worn by the tandem rider, in accordance with paragraph (a).

105.111 Parachute records

(a) Each owner of an emergency or reserve parachute assembly shall maintain an assembly packing record card that records the current state of serviceability of that assembly. The packing record shall remain with the assembly at all times.

(b) Each owner of a student parachutist parachute assembly, or tandem parachute assembly, shall maintain a permanent record of the assembly in a format approved by a parachute organisation.

(c) The owner or user of an emergency or reserve parachute assembly, and the owner in paragraph (b), shall make the record available for inspection when required by the Director, or in accordance with the procedures of their parachute organisation.

CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 105.
It provides details of the consultation undertaken in making the rules.)

Background to the Rules

In April 1988 the Swedavia-McGregor Report on civil aviation regulation in New Zealand was completed. Following the recommendations contained in that report, the Civil Aviation Authority (CAA) (formerly the Air Transport Division of the Ministry of Transport) commenced a complete review of all existing civil aviation legislation. The existing legislation that is still appropriate is being rewritten into the new *Rules* format. New legislation is being generated where necessary for the areas not presently covered.

Considerable research was carried out to determine the format for the new legislation. It was decided that the legislative framework should incorporate the advantages of the regulatory system of the Federal Aviation Administration (FAA) of the United States of America and the system being developed by the European Joint Aviation Authorities and published as Joint Aviation Requirements (JAR).

The new rules are structured in a manner similar to the Federal Aviation Regulations (FAR) of the FAA, and aim to achieve maximum harmonisation whilst allowing for national variations. Close co-operation is also being maintained with the Civil Aviation Safety Authority of Australia to ensure maximum harmonisation with their regulatory code.

New Zealand's revised legislation is published as Civil Aviation Rules (CAR) which is divided into Parts. Each Part contains a series of individual rules which relate to a particular aviation activity.

Accompanying most Parts will be at least one associated Advisory Circular (AC) which will expand, in an informative way, specific requirements of the Part and acceptable means of compliance. For instance an AC may contain examples of acceptable practices or procedures which would meet the requirements of a particular rule.

The CAR numbering system is based on the FAR system. As a general principle the subject matter of a rule Part will be the same or similar to the FAR although the title may differ to suit New Zealand terminology. Where a CAR Part does not readily equate with a FAR number code, a number has been selected that does not conflict with any existing FAR Part.

The objective of the new rules system is to strike a balance of responsibility between the State authority and those who provide services and exercise privileges in the civil aviation system. This balance must enable the State

authority to set standards for, and monitor performance of, aviation participants whilst providing the maximum flexibility for the participants to develop their own means of compliance.

Section 12 of the Civil Aviation Act 1990 requires participants in the aviation system to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices. Section 28 of the Act allows the Minister to make ordinary rules.

Notice of Proposed Rule Making

To provide public notice of, and opportunity for comment on the proposed new rules, the Authority issued Notice of Proposed Rule Making 95-2 under Docket Number 1029 on 26 April 1995. This Notice proposed the introduction of Civil Aviation Rules Part 105 to provide a regulatory safety boundary for Parachuting - Operating Rules.

Supplementary Information

All comments made on the Notice of Proposed Rule Making are available in the rules docket for examination by interested persons. A report summarising each substantive contact with the Civil Aviation Authority contact person concerning this rule making has been filed in the docket.

Availability of the Document

Any person may view a copy of these rules at Aviation House, 1 Market Grove, Lower Hutt. Copies may be obtained from Publishing Solutions Ltd, PO Box 983, Wellington 6015, Telephone 0800 800 359.

Summary of Comments on Docket Number 1029 NPRM

The New Zealand Parachute Federation made several extensive submissions during the consultative process; and worked very closely within the rules drafting process, culminating in an agreement on the final draft.

Civil Aviation Authority response is to recognise the major contribution made by the NZPF in developing the agreed final draft of this Part 105.

Airways Corporation of New Zealand Limited said "Although the PDS will be defined or agreed between the parachuting organisation and local ATC, I would still like the PDS authorised by the authority".

Civil Aviation Authority response was that the parachute drop sector is not a CAR matter but is for agreement directly between the parachuting organisation and local ATC.

Airways Corporation of New Zealand Limited asked if "a NOTAM will be issued every time parachuting takes place in G airspace".

Civil Aviation Authority response was that NOTAM is one of two methods of promulgating an area for making a parachute descent, authorised by a parachute organisation, other than a PDZ or in class C or D airspace.

Airways Corporation of New Zealand Limited asked if the definitions and abbreviations for parachute landing area, parachute drop area, and parachute drop sector, as agreed in a Memorandum of Understanding, would be incorporated in the rule.

Civil Aviation Authority response has been to incorporate the definition and abbreviation of the parachute landing area, which is the only term required by Part 105.

Airways Corporation of New Zealand Limited said that to ensure IFR flights are separated from parachutists in all controlled airspace, the controlled airspace rule required amendment.

Civil Aviation Authority response was that all parachute descents in controlled airspace require an ATC clearance and that any other requirements are additional to this.

Airways Corporation of New Zealand Limited asked "What is an attended aerodrome? Maybe the first line should read; "Each person making a parachute descent onto an airfield where the Air Traffic Services is in attendance shall ...."." and also suggested a corresponding change for "an aerodrome where Air Traffic Services is not in attendance".

Civil Aviation Authority response was to use the suggested term in the abbreviated form of ATS.

Airways Corporation of New Zealand Limited said "We have agreed that IFR and VFR flights will be separated from the Parachute Drop Sector PDS, being that part within a control zone. Within UTA, CTA and TMA airspaces, VFR aircraft will be provided with Traffic Information. That being the case, parachute descents through cloud cannot be allowed in UTA, CTA and TMA airspaces".

Civil Aviation Authority response has been to limit descent through cloud, with an ATC clearance, to class C or D airspace.

Anderson Helicopters Ltd asked that parachute touch down areas be well clear of hazards such as refuelling pumps, buildings and taxiways, "as aeroplanes and helicopters do not mix with parachutists on an airport where there is limited room on the manoeuvring areas" and said "I have always been of the opinion that when on an airfield while propellers and rotors are turning, no parachute drops".

Civil Aviation Authority response is that Rule 105.15 is intended to ensure sufficient separation between aircraft and parachutists.

Anderson Helicopters Ltd asked "Are Parachuting Organisations compelled to operate under any form of Operations Manual or Audit System?".

Civil Aviation Authority response was that parachuting is presently conducted under requirements of the New Zealand Parachute Federation which has an "approval to make parachute descents" from the Director. In future, parachuting will be required to be conducted under a Part 149 certificate which will ensure both internal and CAA audit.

Auckland Parachute School made a full submission and said "What this all boils down to is that the Chief Safety Officer or the approved Drop Zone Safety Officer are better qualified to make decisions about parachute descents than the pilot in command, so the responsibility to ensure safe and legal parachute descents should lie with the parachute organisation".

Civil Aviation Authority response has been to recognise this by changing the pilots' role from "instructing" an exit to "authorising" an exit.

Auckland Parachute School made a full submission on parachute landing areas and concluded "Whilst the intention behind establishing PLA's has merit, greater consultation is required before placing restrictions on where a PLA can or cannot be".

Civil Aviation Authority response is that this rule does not stop simultaneous operations but merely specifies the criteria which must be considered to ensure adequate clearance; and that these criteria were developed in a Memorandum of Understanding between CAA, the NZPF, and Airways.

Auckland Parachute School said no parachute descent should be made unless the ground signal is displayed because it showed that the PDZ was active, where it was, and "That some measure of thought has gone into the parachute descent and the parachute operation is under the control of a reputable, conscientious operator" and "We note that the size of the ground signal has been reduced. WE WISH TO EXPRESS OUR STRONGEST PROTEST AGAINST ANY REDUCTION IN SIZE OF THE GROUND SIGNAL. In our experience, the ground marker needs to be MORE VISIBLE. More often than not, the ground marker is the only means that a pilot (especially the pilot of a VFR flight transiting the area) has to establishing whether or not a drop zone is active. IF a pilot sees the ground marker, he/she can quickly establish where to expect parachutists to be descending and avoid that area".

Civil Aviation Authority response is that although the emphasis of this rule has been changed, from requiring the use of a ground signal under all circumstances, to specifying the meaning of that signal when it is considered

necessary to satisfy local needs, the NPRM provision to reduce the size of the signal from 7.5 metres diameter to 3 metres diameter has been removed.

Auckland Parachute School said of descents onto unattended aerodromes, that the NPRM stated "It recognises that aerodromes exist primarily for the operation of aircraft. Parachutists are secondary users", that "A number of parachutists we have spoken to take exception to this", and that "If it is good enough to restrict parachuting operations on "other Aerodromes", then we would suggest that it is good enough to restrict "other aviation" at parachute drop zones".

Civil Aviation Authority response has been to note these comments.

Auckland Parachute School said "Our experience has shown that the rules, regulations and doctrine of the parachuting operations themselves are sound and are followed closely and successfully by the reputable, conscientious operators. However, we have developed the impression that the regulations covering the interaction of parachute operations with the general aviation sector are in need of revision".

Civil Aviation Authority response has been to note these comments in the drafting of this Part.

Auckland Parachute School said "We believe, if a parachute organisation requests a NOTAM, a NOTAM should be issued. The existence of a NOTAM is another important tool to help airspace users better plan their flights to ensure a smoother interaction between all airspace users".

Civil Aviation Authority response has been to amend the rules to address the issue of NOTAMs outside PDZs.

The Guild of Air Pilots and Air Navigators "has no comment to make".

Civil Aviation Authority response is to note this.

The Parachute Experience suggested the ground signal be a 7m by 4m cone, to avoid waste of fabric, with an optional red base. They said "Pilots have difficulty seeing the current size G.M. and the red further enhances attention".

Civil Aviation Authority response has been to accept the NZPF advice that "The shape of the Ground Signal as shown in the NPRM is well known in the aviation industry and all current parachute organisations have such a signal. Whilst there have been some suggestions to change the form of the signal the NZPF would see this as being counter productive and an unnecessary expense for existing organisations".

The Parachute Experience said of visibility and clearance from cloud "This rule is a very positive move. Some inclusion of G.P.S. or location positioner needs to be included for accuracy of jumping through eight eighths cloud".

Civil Aviation Authority response is that positioning has been addressed by the requirement that this only be done in certain controlled airspace.

The Parachute Experience said of parachute descents near water that "Discretion needs to be included by the C.S.O. if he considers the student to be experienced enough and/or a waiver for parachute organisations using square reserve systems at the CSO discretion".

Civil Aviation Authority response is that the minima criteria for experience is whether the person is a student or not.

The Parachute Experience said that reserve parachutes should be "approved by their parachute organisation and approved by the harness/system manufacturer".

Civil Aviation Authority response was to amend the wording of this provision in consultation with the NZPF.

The Royal New Zealand Air Force recommended the definition of an altimeter be amended to "a visually read instrument for measuring height throughout the descent".

Civil Aviation Authority response has been to make this amendment.

The Royal New Zealand Air Force recommended the exit of aircraft wording be changed from "instructed to exit" to "cleared to exit by the pilot in command" as "The use of "instructed" implies an order whereas the use of "cleared" allows latitude for the parachutists NOT to exit should they so decide".

Civil Aviation Authority response has been to make an amendment from "instructed" to "authorised".

The Royal New Zealand Air Force said of water PLAs and experienced parachutists "It is believed that their experience, accuracy, skill and previous qualification on water jumps should be sufficient to ensure uplift by non-motorised boats or to allow a ratio of multiple parachutists to one motorised boat. It is also noted that motorised boats ate prohibited in some lakes".

Civil Aviation Authority response has been to make an amendment to address these points.

The Royal New Zealand Air Force said "Parachute descents from up to FL130 without oxygen as outlined in part 105.81 [of the NPRM] appear reasonable and in line with military standards. Descents from FL130-FL200 are not condoned as such practices are against military aviation medical advice. It is well known however, that such practices are common in the USA with sports parachutists. The mandatory requirement for automatic activation devices (AAD) for these descents is seen as sound judgement".

Civil Aviation Authority response is to note these comments.

The Royal New Zealand Air Force "recommend a clarification of the definition of a "self-righting floatation jacket capable of supporting a parachutist" and of the equipment needs in part 105.109 and 105.117 [of the NPRM]. Does the rule cover an inflatable life jacket stowed in a pouch that can then be fitted over the head once in the water? We would also seek consideration of wetsuits which are considered to be less restrictive than a floatation jacket".

Civil Aviation Authority response is that the rule has been amended to address these points.

The Royal New Zealand Air Force said "It is the RNZAF position that AAD should be compulsory for all sports parachutists as is RNZAF/Army policy for all nom-static line parachutes used by the parachute training school. Even though this is likely to be an unpopular requirement amongst sports parachutists, we believer that it will inevitably save lives".

Civil Aviation Authority response has been to pass this advice to the NZPF.

Rural Aviation (1963) Ltd "have reviewed the contents of the proposed rule, and the amendments to Part 61 and 91 that are proposed in conjunction with Part 105. Nothing contained in the NPRM appears to be contentious or out of line with reasonable safety standards".

Civil Aviation Authority response was to note this comment.

Skydive Tandem detailed several limitations of ground signals and "suggest the rule be either removed altogether or at the very least modified to negate the necessity for ground signals to be used on P.D.Z.s in a Control Zone".

Civil Aviation Authority response was that the ground signal has been made optional to allow individual users to decide on what their specific needs are.

Skydive Tandem said, of tandem pairs wearing protective headgear, "there is no requirement for this in other countries simply because wearing of helmets is a personal preference rather than a safety measure. While there is some merit in a tandem passenger wearing a hat this is simply to keep hair in place and ears warm".

Civil Aviation Authority response was that this requirement is also a protection against the tandem master being knocked unconscious by the passenger's head whilst exiting the aircraft. The advice of the NZPF is that "The safety of tandem riders is entirely dependent on the safety of the tandem master. This clause is therefore endorsed by the NZPF".

Skydive Tandem said all pilots dropping parachutists should hold a parachute drop rating.

Civil Aviation Authority response was that Part 61 will require all pilots dropping parachutists to hold a parachute drop rating.

An individual commenter said that descents through cloud would require aircraft certified for IFR, current instrument rated pilots, and a means of accurately knowing the position.

Civil Aviation Authority response was that these criteria already apply to aircraft in IMC, and that descent though cloud would be limited to certain controlled airspace.

An individual commenter said that tandem skydiving is a commercial operation and should be conducted as air transport operations.

Civil Aviation Authority response was that tandem parachuting, other than in a bone fide club situation, is a commercial operation and requires the organisation to hold appropriate operating certificates. It is proposed that this certification will be transferred to Part 115.

An individual commenter said pilots performing parachute drop operations should be commercial pilots.

Civil Aviation Authority response was that this is being addressed by Part 61 where a CPL is required for all commercial operations, whilst other operations still require a CPL level of experience.

List of Consultants

Airways Corporation of New Zealand Limited

Anderson Helicopters Ltd

Auckland Parachute School

The Guild of Air Pilots and Air Navigators

John McFadgen of Nelson

The New Zealand Parachute Federation

The Parachute Experience

The Royal New Zealand Air Force

Rural Aviation (1963) Ltd

Skydive Tandem

Regulatory activities

The following regulations will be affected by this rule Part commencement—

AIC-GEN A89/93 is revoked.

CASO 9 Part 4 is revoked.

Regulation 44 is revoked.

Implementation

This Part becomes effective on 1 April 1997.

Conclusion

It is concluded from this consultation that the majority of those involved with parachuting activities are in agreement with the proposed final rule.

The comments and background material used in developing the rules are held on the docket file and are available for public scrutiny. Persons wishing to view the docket file should call at Aviation House, 1 Market Grove, Lower Hutt and ask for docket file 1029.