



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 105, Amendment 5

Parachuting – Operating Rules

Docket 5/CAR/1

Contents

Rule objective	3
Extent of consultation.....	3
Summary of submissions	4
Examination of submissions.....	4
Insertion of Amendments	4
Effective date of rule.....	4
Availability of rules.....	5
Part 105 Parachuting – Operating Rules	6
Subpart A — General	6
105.5 Persons making parachute descents	6
105.15 Parachute landing area.....	6
Subpart C — Parachute Maintenance	7
105.101 Parachute technician.....	7
105.111 Parachute records.....	8
Consultation Details	8

Rule objective

The objective of amendment 5 to Part 105 is to update the parachuting operating 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 105 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 following rules were amended as a result of submissions:

- Rule 105.5 – Amend by making editorial changes to paragraphs (a) and (c)(3).
- Rule 105.5 – Deleted paragraph (d) which was proposed in the NPRM. The proposed wording inadvertently removed the requirement for parachutists to hold the appropriate certificates and medicals, and to comply with the exposition requirements of a Part 149 parachuting organisation where necessary.

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 4 existing rules and the insertion of 4 new rules in their place.

Effective date of rule

Amendment 5 to Part 105 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 105 Parachuting – Operating Rules

Subpart A — General

Rule 105.5 is revoked and replaced by the following rule:

105.5 Persons making parachute descents

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

- (1) hold a parachutist certificate; and
- (2) comply with the privileges and limitations of the 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 the student is 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 the tandem rider is 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 by the Director under the Act.

Rule 105.15 is revoked and replaced by the following rule:

105.15 Parachute landing area

(a) A person making a parachute descent must—

- (1) land within a PLA that is designated by a parachute organisation; or

- (2) for a tandem parachute operation conducted under the authority of an adventure aviation operator certificate issued by the Director under the Act and Part 115, land within a PLA that is listed in the certificate holder's exposition and accepted by the Director.
- (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 must ensure that—
- (1) the PLA has a clearly defined perimeter; and
 - (2) adequate arrangements have been made to retrieve all parachutists.

Subpart C — Parachute Maintenance

Rule 105.101 is revoked and replaced by the following rule:

105.101 Parachute technician

A parachute technician must—

- (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; or
- (5) for a tandem parachute operated under the authority of an adventure aviation operator certificate issued by the Director under the Act and Part 115, perform the maintenance of a tandem parachute in accordance with the maintenance programme approved under rule 115.61.

Rule 105.111 is revoked and replaced by the following rule:

105.111 Parachute records

- (a) An owner of an emergency or reserve parachute assembly must maintain an assembly packing record card that records the current state of serviceability of that assembly. The packing record must remain with the assembly at all times.
- (b) An owner of a student parachutist parachute assembly, or a tandem parachute assembly that is not operated under the authority of an adventure aviation operator certificate issued by the Director under the Act and Part 115, must maintain a permanent record of the assembly in a format approved by a parachute organisation.
- (c) An owner of a tandem parachute assembly that is operated under the authority of an adventure aviation operator certificate by the Director under the Act and 115, must maintain a record of the assembly in accordance with the requirements of rule 115.67.
- (d) An owner or user of an emergency or reserve parachute assembly, and the owner of a parachute assembly referred to in paragraph (b), must make the record available for inspection when required by the Director, or in accordance with the procedures of their parachute organisation.

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.