



PURSUANT to Sections 29 and 30 of the Civil Aviation Act 1990

I, GERRY BROWNLEE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 12th day of November 2012

by **Hon GERRY BROWNLEE**

Minister of Transport

A handwritten signature in blue ink, appearing to read 'Gerry Brownlee', is written over the printed name of the Minister of Transport.

Civil Aviation Rules

Part 105, Amendment 6

Parachuting - Operating Rules

Docket 13/CAR/2

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Rule objective

The objective of amendment 6 to Part 105 is to reduce the potential for serious harm and fatalities arising from adventure aviation providers impaired by drugs and/or alcohol.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 13-01, containing the proposed amendment to Part 115 was issued for public consultation under Docket 13/CAR/2 on 5 October 2012.

The publication of this NPRM was advertised in the daily newspapers in the five main provincial centres on 5 October 2012. The NPRM was published on the CAA web site and e-mailed to identified stakeholders including existing adventure aviation operator certificate holders and representative organisations who were considered likely to have an interest in the proposal.

A period of 14 days was allowed for comment on the proposed rule.

Summary of submissions

Three written submissions were received on the NPRM. These submissions and comments have been considered and as a result a change was made to the final rules which included a consequential amendment to this Part.

The change is editorial and was made as follows:

105.3 – the definitions of *tandem master*, *tandem parachute descent*, *tandem pair*, and *tandem rider* were deleted from this rule and added to Part 1 – Definitions and Abbreviations.

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 amending existing rule 105.3.

Effective date of rule

Amendment 6 to Part 105 comes into force on 15 December 2012.

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 105.3 is revoked and replaced by the following rule:

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:

AAD means automatic activation device.

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.)

A Notice of Proposed Rulemaking, NPRM 13-01 Part 115 Drug and Alcohol Impairment, containing the proposed rules was issued for public consultation under Docket 13/CAR/2 on 5 October 2012.

Three responses to the NPRM were received.

The submission relevant to Part 115 was as follows:

Definitions

One submission was received recommending “the addition of the terms ‘ground crew member’ and ‘tandem master’ to Part 1 *Definitions and Abbreviations*.”

CAA Response

The definition for ground crew member is only used in Part 115, and it is appropriate that it remains there. However, tandem master is used in both Part 105 and Part 115, so that definition, along with the definitions for tandem parachute decent, tandem pair, and tandem rider, which are also currently contained in Part 105 will be moved to Part 1 as it is not a change of policy, it is not controversial, it doesn’t have any regulatory impact, and this rule project already amends Part 1.