



Summary of Public Submissions Received on

**Night Vision Imaging System (NVIS)
Civil Aviation Notice – NTC 91.273**

General

In 2025, Civil Aviation Rule (Rule) 91.273(a) came into force. The Rule provided for the Director of Civil Aviation (the Director) to determine Night Vision Imaging System (NVIS) airworthiness and performance requirements, among other requirements, in a notice.

For the purposes of meeting the requirements in Rule 91.273(a), the Civil Aviation Authority (the CAA) undertook a Notice of Proposed Rulemaking (NPRM) public consultation for the CAA Notice: *Night Vision Imaging System (NVIS) Civil Aviation Notice – NTC 91.273* (NVIS Notice).

The public consultation period was over 8 weeks from 10 December 2026 to 2 February 2026. We received a total of 15 submissions which predominantly came from organisations that own and/or operate helicopters as well as a maintenance organisation.

A copy of the NPRM was sent to:

- The Ministry of Transport
- Internal CAA stakeholders

Key Themes

Most submissions related to the proposed requirements underpinning the Supplemental Type Certificates (STC) and Type Certificates (TC) certification pathways. Coinciding with this was the clear support by the submitters for continuation of the existing ‘major local modification approvals’ conducted by Part 146 organisations, which was strongly perceived as offering flexibility in the certification and testing stages for the helicopter operators. Most of the submitters opposing the STC/TC certification pathway also questioned the CAA’s capability to support the proposed pathway.

Supplemental Type Certificates (STC) and Type Certificates (TC) Operations

Most of the submissions interpreted the proposed requirement related to the STC and TC certification pathway (specified under Rule Part 21) as both mandatory and exclusive for an NVIS system to be approved once the Notice comes into force. Furthermore, they interpreted that existing NVIS approvals (issued prior to the proposed Notice coming into force) would no longer be valid. These submissions expressed concerns that there would be significant impacts on operators, including increased compliance and ongoing costs, as well as reduced fleet availability - this was particularly concerning for Emergency Medical Services (EMS), search and rescue and NZ Police helicopter operators. With respect to the perceived operational and safety benefits of the proposed change, most

submissions further expressed concern that there are unlikely to be any additional benefits.

Two submissions suggested for 'grandfather' clauses to be inserted into the proposed NVIS Notice, to allow for the continuation of existing NVIS approvals and minimise the perceived risk of reduced fleet availability due to non-compliance.

CAA Response:

The CAA acknowledges that the proposed requirements relating to the STC and TC pathways did not accurately communicate the intended purpose for the certification of NVIS systems to be specified in the Notice, which included recognising the existing NVIS system approvals issued by either a Part 146 organisation or the CAA when the Notice comes into force after 5 April 2026 – in effect this would have provided for the 'grandfathering' of existing approvals.

During the analysis leading to the proposal of these requirements, consideration was given to international best practice related to NVIS, as well as the safety risk identified in the Transport Accident Investigation Commission (TAIC) report AO-2019-005.

Given the clear opposition to the proposed STC and TC pathways, the NVIS Notice will be amended by removing the relevant requirements that directly relate to the proposed STC and TC certification pathways. Furthermore, it is acknowledged that further work is required, including thorough engagement with the aviation sector.

Major local modification approvals

Most of the submissions opposed the proposed STC and TC certification pathways because of the perceived impact they would have on the existing major local modification approvals undertaken by Part 146 organisations. The submitters believed that the 'major local modification approvals' would no longer be an acceptable design approval pathway once the NVIS Notice comes into force.

Most submissions supported this pathway because it offers flexibility during initial certification and subsequent configuration changes, as well as allowing incremental and ad-hoc updates in relation to the design approval process.

CAA Response:

The CAA acknowledges that the submissions expressed clear support for the existing major local modification approvals pathway undertaken by Part 146 organisations. As mentioned above, it was not the intention of the proposed NVIS Notice to remove this pathway, but rather to ensure appropriate oversight of the NVIS systems certification process by the CAA.

The NVIS Notice will be amended to remove the relevant requirements.

CAA Certification – process, resourcing and capacity

Some submissions questioned the CAA Certification Unit's capacity to provide timely resources to support the anticipated increase in STC/TC-related certification work. Similarly, with respect to the CAA's general certification process, some submissions expressed concerns about a lack of resources and inefficiencies in the process.

They also expressed concern that the current regulatory framework imposes requirements that are excessive relative to the safety risks associated with operations involving NVIS equipment, and that the process has been largely inconsistent regarding what is required during testing, appearing to rely heavily on the discretion of design organizations.

Submitters noted that as key stakeholders, NVIS operators need to be kept appropriately informed of certification developments for both current and planned projects.

CAA Response:

The concerns raised are noted however they fall outside of the scope of this consultation.

Consultation

Some submitters expressed concern that the public consultation was carried out during the months of December 2025 and February 2026 and furthermore that there should have been a separate consultation prior to the draft NVIS Notice being released during the NPRM stage.

CAA Response:

The CAA acknowledges that the consultation period was not ideal for some of the aviation sector, however given the intent of the Rule 91.273C it was appropriate for the consultation process to occur over the period to ensure the rule making process was conducted appropriately. The NRPM consultation for the NVIS Notice is consistent with the CAA's statutory obligation under section 64 of the Civil Aviation Act 2023.

Other technical matters raised

- A few submitters suggested the requirements related to flights undertaken during certain weather conditions are not adequately addressed in the draft NVIS Notice and need further work.

- *CAA Response:* The NVIS Notice now contains the requirements under ‘2.17 Weather Conditions’ specifying the requirements to comply with while flying under VFR and IFR in certain weather conditions.
- A submitter suggested that the requirements for ‘NVIS Pilot Currency’ should state the validity period of the demonstration of the instrument flight competency and allow for the case of the pilot being instrument rated and current.
 - *CAA Response:* the requirements for ‘NVIS Pilot Currency’ has been amended to include the words “within the preceding 90 days” in relation to the validity period of the demonstration of the instrument flight competency.
- A submitter suggested for the inclusion of a clause in the Notice to the effect that a pilot holding a helicopter instrument rating and who meets the instrument rating currency requirements of Rule 61.807, is deemed to meet the requirements of [3.11(b) of the previous draft NVIS Notice].
 - *CAA Response:* Clause 3.11(b) in the draft NVIS Notice has been removed. The NVIS pilot currency requirements now includes the completion of the demonstration, as specified in the Notice, within the preceding 90 day period for a pilot who operates a helicopter at night under VFR using NVIS. A pilot who operates a helicopter at night under IFR using NVIS is an exception to this requirement.
- A submitter suggested to remove reference to FAR 61.57 and replace with an appropriate requirement under the ‘NVIS pilot competency check’ requirement.
 - *CAA Response:* the reference to FAR 61.57 has been removed and the NVIS pilot competency check requirements have been updated.
- A submitter sought clarification on whether the instrument flight rules (IFR) is a new category in relation to NVIS operations and whether there will be additional test steps required for instrument flying with NVGs.
 - *CAA Response:* “IFR” is not a new category. The NVIS Notice refers to helicopter operation at night using NVIS under VFR or IFR. Refer to the Rules Part 1 definition for “Instrument flight procedure”. NVIS will be permitted for use during Visual elements under IFR flight.
- A submitter sought clarification on the requirements to use NVIS during Category A take-off and landing profiles.
 - *CAA Response:* Refer to the Approved Rotorcraft Flight Manual for any operational requirements or limitations operating with NVIS.

- A submitter sought clarification on the requirements that relate to NVIS crew member.
 - *CAA Response:* NVIS Crew member requirements that will be contained in the NVIS Notice will only reflect the provisions in the current AC91-13, until the need arises to amend it through the rule making process

- A few submitters sought clarification on mandating CAA staff attendance during the NVIS compliance testing stages and the practicality of this approach.
 - *CAA response:* all the references to mandatory attendance by CAA staff have been removed from the NVIS Notice.

- A few submitters suggested to remove the requirement that image intensifier tubes must require an accompanying manufacturer’s certification for each individual image intensifier tube.
 - *CAA response:* The CAA accepts this submission and has removed the proposed requirement from the NVIS Notice. An appropriate provision for image intensifier tubes is included in the relevant Advisory Circular.

- A few submitters were concerned that the standard in the NVIS Notice that NVGs are to comply with, prioritises TSO standards over other standards, which is perceived to be impractical as there are other NVG standards that offer similar safety levels.
 - *CAA response:* The CAA accepts this submission and has removed the requirement from the NVIS Notice. Provisions related to NVG standards have been included in the relevant Advisory Circular which clarifies that in addition to TSO standards (FAA TSO-C164 and EASA ETSO-C164) for NVGs, other equivalent standards would also be acceptable for example RTCA DO-275.

Additions to the NVIS Notice based on internal CAA review

The following requirements have been added to the NVIS Notice following further internal CAA review. These requirements are considered to fall within the scope of this project. These matters were identified by the CAA as key areas requiring further clarification:

- To better clarify the scope of the NVIS Notice, the title has been revised to read “*Night Vision Imaging System (NVIS) – Helicopter*”. All references to “aircraft” have been amended to “helicopter”. Based on the majority of current NVIS users, the CAA considers it appropriate to limit the notice to helicopters at this stage. The CAA will revisit the notice in due course if there is a need to extend the scope to other aircraft types.

- Additions to clause ‘1.7 Definitions’ – additional terms and their definitions have been included to provide greater clarity on the intent of the requirements.

The broader term “an air operator” replaces ‘a holder of an air operator certificate issued under Part 119’. The term ‘air operator’ is defined in Part 1 to essentially mean a holder of an air operator certificate issued under Part 119, or a foreign air operator certificate issued under Part 129 or an Australian air operator certificate with ANZA privileges. Although at present we may not have Australian operators conducting NVIS helicopter operations in New Zealand, there is the potential for future engagement such as SAR or a wider emergency situation. Being forward-looking, the CAA considers it appropriate to adopt the term ‘air operator’ in the notice.

- Inclusion of radio altimeters and external search lights – the inclusion of requirements for radio altimeters and external search lights aligns with international best practice, such as comparable rules and regulations from CASA and EASA. These regulations mandate the use of such equipment. A radio altimeter with an audible alerting capability is generally considered a core NVIS safety feature rather than an optional enhancement.

There is likely to be minimal impact to existing NVIS helicopters as most helicopters would already have a radio altimeter and external search light installed. However, for any person who is operating a helicopter that does not have a radio altimeter and/or an external light that meets the notice requirements, a transition period of two years is provided. The CAA considers the transition period to be sufficient time for an affected person to comply with the new requirements.