



**Summary of Public Submissions
Received on
NPRM 19-01 — ICAO ALIGNMENT**

February 2019

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General

Notice of Proposed Rule Making (NPRM) 19-01 ICAO Alignment was issued for public consultation on 21 September 2018, and submissions closed on 19 October 2018. The purpose of NPRM 19-01 was to address six of the findings of the 2006 ICAO audit of the civil aviation rules, so that the rules are better aligned with the relevant ICAO recommended standards.

The six findings addressed in the NPRM are set out below –

- the lack of a requirement for operators to establish aerodrome operating minima for each aerodrome to be used in air operations (Parts 121,125, 129 and 135);
- the lack of a requirement for New Zealand registered aircraft engaged in international commercial operations to carry a document attesting noise certification (Part 91);
- the lack of a requirement for the pilot-in-command to inform the appropriate air traffic services and relevant authorities of what dangerous goods are on the aircraft to assist the emergency services in their response (Part 91);
- the need to update specifications for flight data recorders (FDRs) and cockpit voice recorders (CVRs) (Parts 121 and 125);
- the lack of a requirement for single pilot operations under IFR or at night to have means of displaying charts in all ambient light conditions (Part 125); and
- the lack of a requirement for all aeroplanes operated at night to be equipped with two landing lights (Parts 121 and 125).

A copy of the NPRM was sent to the Ministry of Transport and internal CAA stakeholders.

The NPRM was also published on the CAA website on 21 September 2018 and notified to the industry by automatic email alerts.

Summary of Submission

There was only one submission received on the proposal, regarding draft rule 91.413A.

The submission is set out below.

Submission on draft rule 91.413A

The proposal is not acceptable but would be acceptable if the following changes were made.

91.413A appears to make the assumption that all flights that carry Dangerous Goods are in constant contact with an ATS unit. Flights operating under an operators own flight following service into remote areas and carrying, for example, hunters may well be carrying Dangerous Goods in compliance with NZCAR 91. It would be more appropriate in such circumstance for the PIC and/or the Flight Follower to advise the "first

responders" rather than an ATS unit of the nature and quantity of any Dangerous Goods carried.

CAA Response

The CAA disagrees with the submission for the following reasons:

In many cases involving an aircraft emergency, the ‘first responder’ referred to (other than an ATS Unit) is usually the Rescue Coordination Centre New Zealand (RCCNZ). The submitter suggests that in some circumstances it may be more appropriate for the pilot-in-command and/or flight follower to advise first responders such as RCCNZ directly, rather than an ATS unit. This alternative option would have the effect of removing the relevant ATS unit from the information loop. The CAA anticipates that the dangerous goods information would be vital information for the ATS unit for purposes beyond just search and rescue. This could include airborne emergencies that involve a recovery or diversion to an aerodrome, where ATS knowledge of dangerous goods on the aircraft would be an input to separation of other traffic (including ground operations) and aerodrome emergency response.

The submitter makes the point that all flights that carry dangerous goods are not in constant contact with an ATS unit. In these cases the pilot-in-command and/or flight follower would still have to communicate with an agency to advise of the emergency using other means (e.g. relay or phone). The CAA assesses that the ATS unit should be the point of contact, and they can then coordinate with RCCNZ or other entities as appropriate regarding the response. Phone numbers for ATS units are listed in AIP New Zealand.

Therefore the CAA maintains the view that the ATS unit should be the point of contact when an aircraft carrying dangerous goods experiences an in-flight emergency.

Upon further reflection on the sequence of rules in Part 91, the CAA considers that draft rule 91.413A would sit better after rule 91.411. The CAA therefore proposes to renumber draft rule 91.413A as 91.411A.

The CAA proposes to revise the heading of the draft rule to read - ‘*Pilot-in-command and operator to inform ATS unit of carriage of dangerous goods*’, to better reflect the intent of the rule.

The CAA advises that draft rule 91.411A will be revised along the following lines –

91.411A *Pilot-in-command and operator to inform ATS unit of carriage of dangerous goods*

(1) If an in-flight emergency occurs, a pilot-in-command of an aircraft must, as soon as practicable inform the appropriate ATS unit of the information referred to in rule 92.173(c) regarding any dangerous goods on board the aircraft.

(2) The operator must, as soon as the operator is aware that an in-flight emergency has or might have occurred, inform the appropriate ATS unit of the information referred to in rule 92.173(c) regarding any dangerous goods on board the aircraft.