



PURSUANT to Sections 28 and 30 of the Civil Aviation Act 1990

I, Hon Julie Anne Genter, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT

This 13th day of July 2020

A handwritten signature in black ink, appearing to read 'Julie Anne Genter', is written over a horizontal line.

by Hon Julie Anne Genter

Associate Minister of Transport

Civil Aviation Rules

Part 61, Amendment 15

Pilot Licences and Ratings

Docket 16/CAR/9

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Rule objective

The objective of amendment 15 to Part 61 is to align rule 61.19-*Written examinations-unauthorised conduct* with the revised rule 66.15.

Extent of consultation

A Rules Drafting Group (RDG) was established in July 2017 comprising Civil Aviation Authority (CAA) subject matter experts together with industry and Ministry of Transport representatives. In addition, the Aircraft Engineering Association of New Zealand (AEANZ) was asked for their views on specific policy proposals arising from the RDG meetings as a preliminary test of industry understanding and practicability. The purpose of the RDG was to develop proposed rule amendments and assist in the development of the Notice of Proposed Rule Making (NPRM).

A Notice of Proposed Rule Making, NPRM 19-02, containing the proposed amendments to Part 66 and consequential amendments to Parts 19 and 61 was issued for public consultation under Docket 16/CAR/9 on 15 February 2019.

The NPRM was published on the CAA web site on 15 February 2019 and notified to industry by the automatic alert service provided by the CAA. The NPRM was also emailed to members of the RDG, the Ministry of Transport, the Aviation Community Advisory Group (ACAG), and the AEANZ.

A period of 31 days was allowed for comment on the proposed rule, with one extension of a further 5 days being granted.

Summary of submissions

A total of 29 written submissions were received on the NPRM. A summary of submissions for this NPRM is available on the CAA website. These submissions and comments have been considered and as a result there were no changes made to the proposed amendment to Part 61.

There were no submissions received relating to the proposed amendment to Part 61.

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 rule 61.19(b), (c), and (d) to align with the revised rule 66.15.

Effective date of rule

Amendment 15 to Part 61 comes into force on 1 September 2020

Availability of rules

Civil Aviation Rules are available from—

CAA web site: <http://www.aviation.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

Part 61 Pilot Licences and Ratings

Subpart A—General

Rule 61.19 is revoked and replaced with the following rule:

61.19 Written examinations—unauthorised conduct

(a) During any written examination required under this Part, a person must not do, or attempt to do, or procure another person to do any of the following—

- (1) copy from another person;
- (2) refer to any unauthorised source of information;
- (3) communicate in any way with another person, except the person administering the examination;
- (4) take an examination on behalf of another person;
- (5) remove written or printed material from the examination room, unless authorised to do so by the person administering the examination;
- (6) take unauthorised material into an examination room; or
- (7) use any means or device to copy electronic, written or printed material supplied during the examination.

(b) If the Director has reasonable grounds to believe that a person has attempted, committed or has procured another person to commit, any conduct referred to in paragraph (a), the Director may immediately suspend the release of all or part of the examination results for the person until the Director determines after due investigation, the action, if any, to be taken under paragraph (c).

(c) If the Director has reasonable grounds to believe that a person has attempted, committed, or has procured another person to commit, any conduct referred to in paragraph (a), the Director may—

- (1) disqualify the person from the result of the examination:

(2) debar the person from sitting any examination relating to an aviation document required by the Act for a specified period not exceeding 12 months.

(d) Before taking an action under paragraph (b) or (c), the Director must reasonably inform the person in writing of the details of the alleged conduct referred to in paragraph (a).

(e) If the Director proposes to take an action under paragraph (c), the Director must give notice in accordance with section 11 of the Act, which applies as if the proposed action were a proposed adverse decision under the Act. For the avoidance of doubt the Director is not required to give notice of appeal under section 11(2)(e) or section 11(6)(b)(iii) of the Act.