



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, JENNIFER MARY SHIPLEY, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *17th* day of *February* 1997
by **JENNIFER MARY SHIPLEY**


Minister of Transport

Civil Aviation Rules

Part 12

Accidents, Incidents, and Statistics

Docket Nr. 1032

Civil Aviation Rules

Part 12

Accidents, Incidents, and Statistics

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Part 12 is to ensure that the Authority receives information about accidents and incidents. The data from the information received will be analysed to identify any necessary corrective actions with the overall objective being to improve the level of flight safety.

In May 1990 the Air Transport Division of the Ministry of Transport published a notice of intention to carry out a complete review of the aviation regulatory system. This notice, in Civil Aviation Information Circular Air 3, listed the areas in which rules would be made and invited interested parties to register their wish to be part of the consultative process. The Register was identified as the Regulatory Review Consultative Group.

A draft of Part 12 was developed by the rules rewrite team in consultation with members of the consultative group. An informal draft was published and distributed in 15 July 1994 and a period of informal consultation followed. This culminated in the issue of Notice of Proposed Rulemaking 95-7 under Docket 1032 on 22 November 1995.

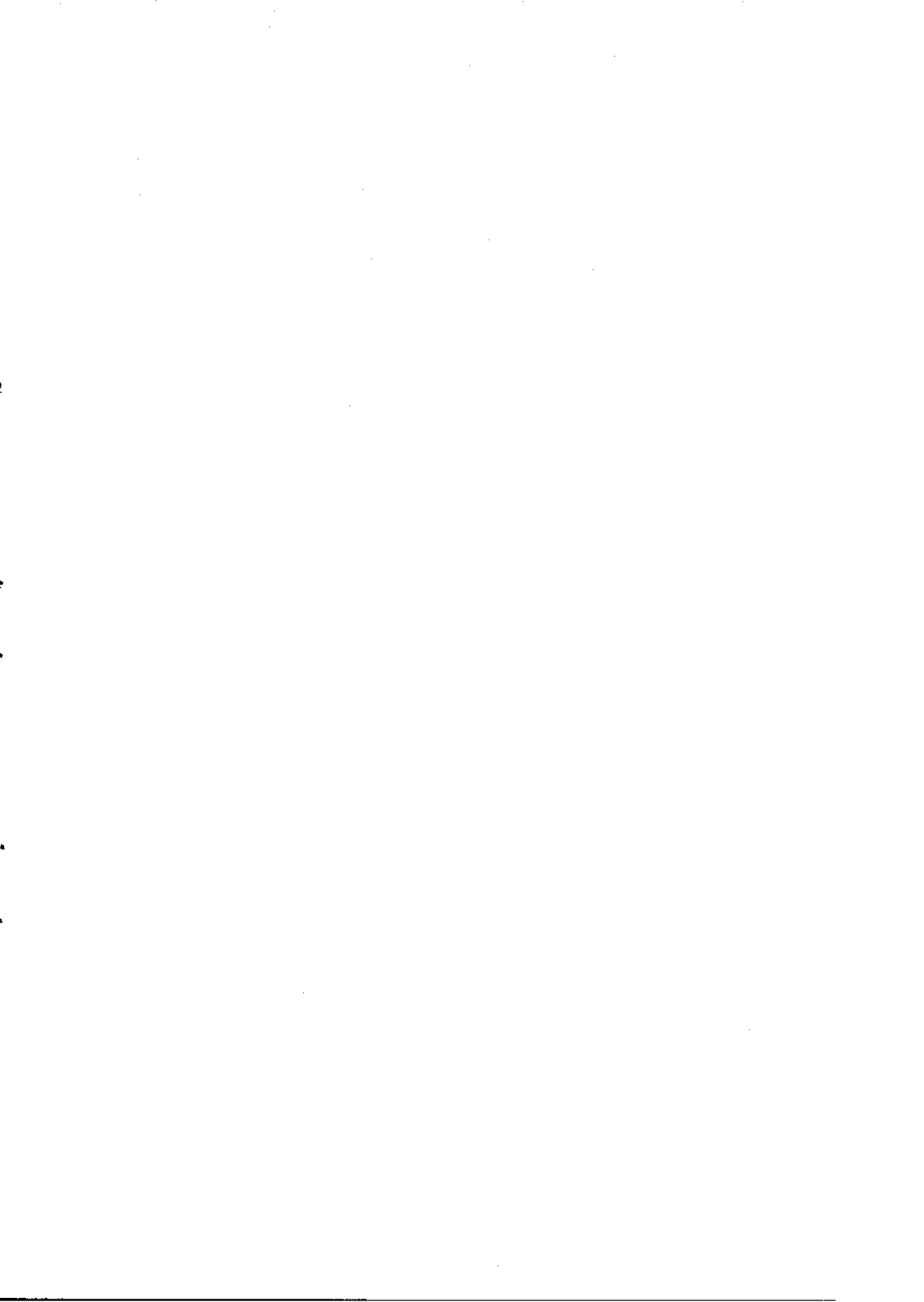
The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 22 November 1995. The notice was mailed to members of the Regulatory Review Consultative Group and to other parties, including overseas aviation authorities and organisations, who were considered likely to have an interest in the proposal.

A period of 60 days was allowed for comment on the proposed rule.

The submissions and verbal comments were considered and where appropriate the proposed rules amended to take account of the comments made.

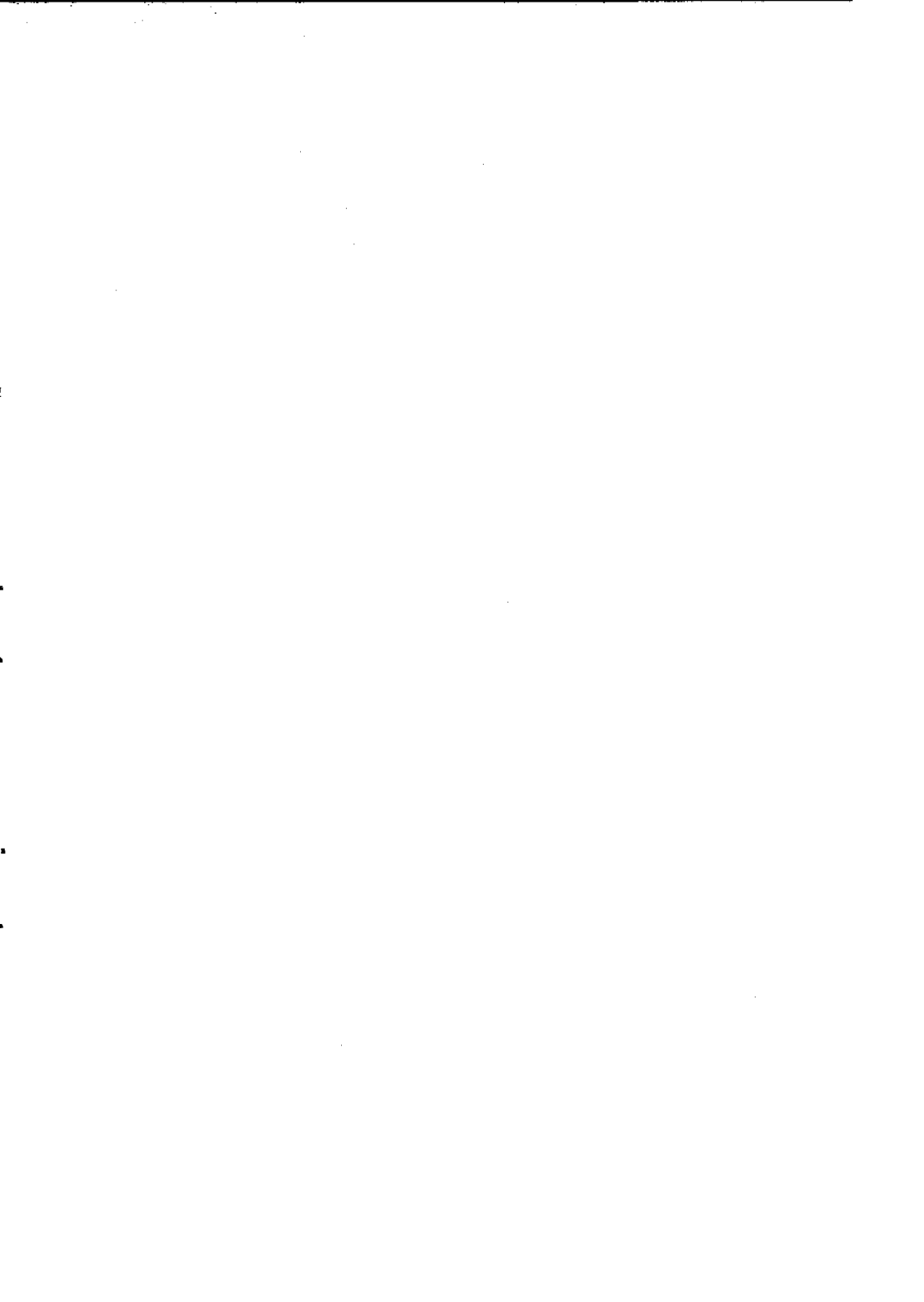
The rules as amended were then referred to and signed by the Minister of Transport.

Part 12 comes into force on 1 April 1997.



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Subpart A — General

12.1 *Applicability*

- (a) This Part prescribes rules governing accidents and incidents.
- (b) This Part shall not apply to aircraft being operated under Parts 101, 103, 104, 105, or 106 that are involved in incidents.
- (c) This Part prescribes rules for the provision of statistical data concerning aircraft operations.

12.3 *Definitions*

In this Part—

Aircraft incident means any incident, not otherwise classified, associated with the operation of an aircraft:

Aerodrome incident means an incident involving an aircraft operation and—

- (1) an obstruction either on the aerodrome operational area or protruding into the aerodrome obstacle limitation surfaces; or
- (2) a defective visual aid; or
- (3) a defective surface of a manoeuvring area; or
- (4) any other defective aerodrome facility:

Airspace incident means an incident involving deviation from, or shortcomings of, the procedures or rules for—

- (1) avoiding collisions between aircraft; or
- (2) avoiding collisions between aircraft and other obstacles when an aircraft is being provided with an Air Traffic Service:

Bird incident means an incident where—

- (1) there is a collision between an aircraft and one or more birds; or
- (2) when one or more birds pass sufficiently close to an aircraft in flight to cause alarm to the pilot:

Dangerous goods incident means an incident associated with and related to the carriage of dangerous goods by air after acceptance by the operator, that—

- (1) results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation, or other evidence that the integrity of the packaging has not been maintained; or

- (2) involves dangerous goods incorrectly declared, packaged, labelled, marked, or documented:

Defect incident means an incident that involves failure or malfunction of an aircraft or aircraft component, whether found in flight or on the ground:

Fatal injury means any injury which results in death within 30 days of the accident:

Flight crew member means a pilot or flight engineer assigned to duty in an aircraft during flight time:

Facility malfunction incident means an incident that involves an aeronautical telecommunications facility:

Occurrence means an accident or incident:

Promulgated information incident means an incident that involves significantly incorrect, inadequate, or misleading information promulgated in any aeronautical information publication, map, or chart:

Prosecution investigation means an investigation carried out to establish whether an offence against the Act has been committed:

Security incident means an incident that involves unlawful interference:

Serious incident means an incident involving circumstances indicating that an accident nearly occurred:

Serious injury means any injury that is sustained by a person in an accident and that—

- (1) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received; or
- (2) results in a fracture of any bone, except simple fractures of fingers, toes, or nose; or
- (3) involves lacerations which cause severe haemorrhage, nerve, muscle, or tendon damage; or
- (4) involves injury to an internal organ; or
- (5) involves second or third degree burns, or any burns affecting more than 5% of the body surface; or
- (6) involves verified exposure to infectious substances or injurious radiation:

TAIC means the Transport Accident Investigation Commission, which is established by section 3 of the Transport Accident Investigation Commission Act 1990.

Subpart B — Notification, Investigation, and Reporting, of Occurrences

12.51 Notification of accident

(a) Each pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, or if the aircraft is missing, the operator, shall notify the Authority of the accident as soon as practicable.

(b) The notification under paragraph (a) shall be in a manner acceptable to the Authority and contain, where ascertainable, the—

- (1) date and time of the accident; and
- (2) nature of the accident; and
- (3) type, nationality, and registration marks of the aircraft; and
- (4) names of the aircraft owner and operator; and
- (5) position or last known position of the aircraft with reference to an easily defined geographical point; and
- (6) name of the pilot-in-command of the aircraft; and
- (7) type of operation; and
- (8) last point of departure of the aircraft; and
- (9) next point of intended landing of the aircraft; and
- (10) description of the sky condition, precipitation, wind velocity, and visibility; and
- (11) number of persons on board the aircraft; and
- (12) number of crew and passengers killed or seriously injured as a result of the accident; and
- (13) number of persons killed or seriously injured as a result of the accident that were not crew or passengers; and
- (14) details of damage to the aircraft.

12.53 Details of accident

(a) The pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, the operator, shall provide the occurrence details requested on form CA005 to the Authority within 10 days of the accident—

- (1) on form CA005; or

(2) by a means acceptable to the Authority.

(b) The details required by paragraph (a) shall include a statement by each flight crew member who was on the aircraft at the time of the accident, detailing the facts, conditions, and circumstances relating to the accident.

(c) Where a flight crew member is incapacitated, the statement required by paragraph (b) shall be submitted as soon as the flight crew member is able.

12.55 Notification of incident

(a) Where an incident is a serious incident or an immediate hazard to the safety of aircraft operations, each holder of a certificate issued under—

- (1) for an aircraft incident or dangerous goods incident, Part 119 or 129; or
- (2) for an airspace incident, Part 172; or
- (3) for a facility malfunction incident, Part 171; or
- (4) for a defect incident, Part 47, 119, 129, 145, or 146; or
- (5) for a security incident, Part 119, 129, or 142—

shall, if the certificate holder is involved in the incident, notify the Authority of the incident as soon as practicable.

(b) Each person who—

- (1) is involved in an incident that is a serious incident or an immediate hazard to the safety of aircraft operations; and
- (2) is not employed by a certificate holder referred to in paragraph (a); and
- (3) operates, maintains, services, or does any other act in respect of any aircraft, aeronautical product, or aviation related service—

shall notify the Authority of the incident as soon as practicable.

(c) Each pilot-in-command of an aircraft that is involved in an airspace incident or a bird incident shall notify the Authority of the incident as soon as practicable.

(d) The notification of an incident required by paragraphs (a), (b), and (c) shall be conveyed by a means acceptable to the Authority and contain, where ascertainable, the information listed in—

- (1) for airspace incidents, Appendix A(a); or
- (2) for defect incidents, Appendix A(b); or

- (3) for facility malfunction incidents, Appendix A(c); or
- (4) for aircraft incidents, Appendix A(d); or
- (5) for security incidents, Appendix A(e); or
- (6) for promulgated information incidents, Appendix A(f); or
- (7) for aerodrome incidents, Appendix A(g); or
- (8) for dangerous goods incidents, bird incidents, or any other incident, Appendix A(h).

12.57 Details of incident

(a) Notwithstanding 12.55, each—

- (1) certificate holder referred to in 12.55(a) that is involved in an incident; and
- (2) person who—
 - (i) is involved in an incident; and
 - (ii) is not employed by a certificate holder referred to in paragraph (a)(1); and
 - (iii) operates, maintains, or services, or does any other act in respect of any aircraft, aeronautical product, or aviation related service; and
- (3) pilot-in-command referred to in 12.55(c) who is involved in an airspace incident or a bird incident—

shall provide the Authority with occurrence details in accordance with paragraph (b).

(b) Each person required to provide occurrence details under paragraph (a) shall provide the details requested on form CA005 within 10 days of the incident—

- (1) on form CA005; or
- (2) by a means acceptable to the Authority.

12.59 Investigation and reporting

Each certificate holder who submits occurrence details under 12.57(a)(1), unless otherwise notified by the Authority, shall—

- (1) subject to section 14 of the Transport Accident Investigation Commission Act 1990, conduct an investigation to identify the facts

relating to its involvement in the incident and establish, so far as those facts will allow, the cause or causes of the incident; and

- (2) on completion of the investigation, submit a report of the investigation to the Authority no later than 90 days after the incident—
 - (i) on form CA005; or
 - (ii) by a means acceptable to the Authority; and
- (3) advise the Authority of any actions taken to prevent recurrence of a similar incident.

12.61 Confidentiality of persons submitting information

The Authority shall, when confidentiality is requested by a person submitting information under 12.55 or 12.57—

- (1) as soon as practicable, remove any information that might reveal the identity of the source; and
- (2) not make any other record of the information removed under subparagraph (1).

12.63 Non-prosecution

The Authority shall not use or make available for the purpose of prosecution investigation or for prosecution action any information submitted to it by a person under this Part unless—

- (1) the information reveals an act or omission that caused unnecessary danger to any other person or to any property; or
- (2) false information is submitted; or
- (3) the Authority is obliged to release the information pursuant to a statutory requirement or by order of a Court.

Subpart C — Preservation of Aircraft, its Contents, and Records

12.101 Access to aircraft involved in an accident

(a) Except as provided in the Transport Accident Investigation Commission Act 1990, and paragraphs (b) and (c), no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorised to do so by the Authority.

(b) Subject to the limitations contained in the Transport Accident Investigation Commission Act 1990, the Authority may, for the purpose of its investigation, access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.

(c) A person may, subject to paragraph (d)—

- (1) remove persons or livestock from the aircraft or wreckage; or
- (2) protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or
- (3) disconnect or deactivate any cockpit voice recorder, flight data recorder, or emergency location transmitter; or
- (4) prevent obstruction to the public or to air navigation where no practical alternative is available.

(d) Any aircraft wreckage, mail, or cargo removed under paragraph (c) shall—

- (1) be moved only so far as necessary to ensure its safety; and
- (2) be kept in separate distinct areas to indicate from which part in the aircraft it has been taken; and
- (3) where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.

12.103 Preservation of records

(a) Each holder of a certificate of registration of an aircraft that is involved in a serious incident or accident shall preserve all records, including all recording media maintained for the operation and maintenance of the aircraft, for at least 14 days after the serious incident or accident unless otherwise notified by the Authority.

(b) Each holder of a certificate issued under—

- (1) Part 171 that is involved in a facility malfunction incident or an accident; or
- (2) Part 172 that is involved in an airspace incident or an accident—

shall preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified by the Authority.

12.105 Retention of defective products and components

Each holder of a certificate of registration, or a certificate issued under Part 145 or Part 147 shall retain any defective product or component that is associated with a defect incident reported under 12.59 for at least 14 days after submitting the report unless otherwise notified by the Authority.

Subpart D — Statistics

12.151 *Aircraft operating statistics*

(a) Except as provided in paragraph (c), each operator of a New Zealand registered aircraft issued with a standard or restricted category airworthiness certificate shall submit the following aircraft operating and statistical data and information for each aircraft, in accordance with the frequency and due dates listed in Table 1 for aircraft performing hire or reward operations and Table 2 for aircraft performing operations not for hire or reward:

- (1) the registration marks:
 - (2) for aircraft used on international air transport operations, the hours flown and the number of flights carrying passengers and cargo only flights:
 - (3) for aircraft used on domestic air transport operations, the hours flown and the number of flights:
 - (i) carrying passengers between two different aerodromes:
 - (ii) originating and ending at the same aerodrome without an intermediate landing:
 - (iii) carrying cargo only:
 - (4) for aircraft used on other operations, the hours flown.
- (b) The reports required by paragraph (a) shall be submitted—
- (1) on form CAA605; or
 - (2) by a means acceptable to the Authority.
- (c) Paragraph (a) shall not apply to operators of gliders.

Table 1 Reporting periods for for aircraft performing hire or reward operations:

Report	Period Covered	Due Date
1st Quarter	1 Jan through 31 Mar	1 May
2nd Quarter	1 Apr through 30 Jun	1 Aug
3rd Quarter	1 Jul through 30 Sep	1 Nov
4th Quarter	1 Oct through 31 Dec	1 Feb

Table 2 Reporting periods for aircraft performing operations not for hire or reward:

<i>Report</i>	<i>Period Covered</i>	<i>Due Date</i>
<i>Annual</i>	1 Jan through 31 Dec	15 Feb

12.153 Confidentiality of statistical reports

(a) The Authority or any person employed by the Authority shall not communicate to any person outside the Authority any information provided in statistical reports that identifies any individual aircraft operator except—

- (1) with the consent of the aircraft operator; or
- (2) in accordance with Article 67 of the Convention; or
- (3) pursuant to a statutory requirement.

(b) The Authority may provide to the Council of the International Civil Aviation Organisation statistics that relate to international air transport operations.

Appendix A - Information Required for Initial Notification of Incidents

- (a) **Airspace incident** – The following information is required for notification under 12.55(d)(1):
- (1) date and time of the incident:
 - (2) brief description of events:
 - (3) aircraft nationality, registration, radio call sign, flight number, and type:
 - (4) name of the aircraft operator:
 - (5) aircraft position and altitude:
 - (6) name of the pilot-in-command:
 - (7) phase of flight:
 - (8) effect on flight:
 - (9) flight rules under which the aircraft was operating:
 - (10) aircraft point of departure and destination:
 - (11) location, type, and class of airspace, and the ATS unit involved:
 - (12) any other relevant information submitted by the pilot concerned.
- (b) **Defect incident** – The following information is required for notification under 12.55(d)(2):
- (1) date and time the incident was detected:
 - (2) brief description of events:
 - (3) aircraft nationality, registration, and type:
 - (4) name of the aircraft operator and owner:
 - (5) location of the aircraft, part, or equipment at the time of the incident:
 - (6) phase of flight:
 - (7) effect on flight:
 - (8) aircraft point of departure and destination:

- (9) name of the manufacturer of the aircraft, part, or equipment, and where appropriate, the part number, its modification standard, and its location on the aircraft:
 - (10) description of the incident, its effects, and any other relevant information:
 - (11) whether the person or organisation making the notification has instituted an investigation into the defect and expected time of completion:
 - (12) name, organisation, and contact details of the person notifying the incident.
- (c) **Facility malfunction incident** – The following information is required for notification under 12.55(d)(3):
- (1) date and time of the incident:
 - (2) brief description of events:
 - (3) aircraft nationality, registration, radio call sign, flight number, and type:
 - (4) name of the aircraft operator:
 - (5) aircraft position and altitude:
 - (6) name of aerodrome and runway used:
 - (7) name of the pilot-in-command:
 - (8) phase of flight:
 - (9) effect on the flight:
 - (10) identification, type, name, frequency, and provider of the aeronautical telecommunication facility involved:
 - (11) whether the person or organisation making the notification has instituted an investigation into the incident and, if so, expected time of completion:
 - (12) name, organisation, and contact details of the person notifying the incident.
- (d) **Aircraft incident** – The following information is required for notification under 12.55(d)(4):
- (1) date and time of the incident:
 - (2) brief description of events:

- (3) aircraft nationality, registration, radio call sign, flight number, and type:
 - (4) name of the aircraft operator and owner:
 - (5) aircraft position and altitude:
 - (6) phase of flight:
 - (7) if applicable, name of aerodrome and runway used:
 - (8) effect on the flight:
 - (9) name of the pilot-in-command:
 - (10) type of operation being conducted:
 - (11) number of persons on board the aircraft:
 - (12) name, organisation, and contact details of the person notifying the incident.
- (e) **Security incident** – The following information is required for notification under 12.55(d)(5):
- (1) date and time of the incident:
 - (2) brief description of events:
 - (3) aircraft nationality, registration, radio call sign, flight number, and type:
 - (4) name of the aircraft operator and owner:
 - (5) aircraft position and altitude or place of incident:
 - (6) name of the aerodrome or aeronautical telecommunication facility if applicable:
 - (7) name of the pilot-in-command:
 - (8) phase of flight:
 - (9) effect on the flight:
 - (10) type of operation being conducted:
 - (11) name, organisation, and contact details of the person notifying the incident.
- (f) **Promulgated information incident** – The following information is required for notification under 12.55(d)(6):
- (1) date and time the incident was discovered:

- (2) brief description of events:
 - (3) name of the publication, map, or chart:
 - (4) information that gave rise to the incident:
 - (5) name, organisation, and contact details of the person notifying the incident.
- (g) **Aerodrome incident** – The following information is required for notification under 12.55(d)(7):
- (1) date and time of the incident:
 - (2) brief description of events:
 - (3) name of the aerodrome:
 - (4) description and the location of the reported defect or obstruction:
 - (5) name, organisation, and contact details of the person notifying the incident.
- (h) **Dangerous goods, bird, or other incidents** – The following information is required for notification under 12.55(d)(8):
- (1) date and time of the incident:
 - (2) brief description of events:
 - (3) name, organisation, and contact details of the person notifying the incident.

CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 12.
It provides details of the consultation undertaken in making the rules.)

Background to the Rules

In April 1988 the Swedavia-McGregor Report on civil aviation regulation in New Zealand was completed. Following the recommendations contained in that report, the Civil Aviation Authority (CAA) (formerly the Air Transport Division of the Ministry of Transport) commenced a complete review of all existing civil aviation legislation. The existing legislation that is still appropriate is being rewritten into the new *Rules* format. New legislation is being generated where necessary for the areas not presently covered.

Considerable research was carried out to determine the format for the new legislation. It was decided that the legislative framework should incorporate the advantages of the regulatory system of the Federal Aviation Administration (FAA) of United States of America and the system being developed by the European Joint Aviation Authorities and published as Joint Aviation Requirements (JAR).

The new rules are structured in a manner similar to the Federal Aviation Regulations (FAR) of the FAA, and aim to achieve maximum harmonisation whilst allowing for national variations. Close co-operation is also being maintained with the Civil Aviation Safety Authority of Australia to ensure maximum harmonisation with their regulatory code.

New Zealand's revised legislation is published as Civil Aviation Rules (CAR) which is divided into Parts. Each Part contains a series of individual rules which relate to a particular aviation activity.

Accompanying most Parts will be at least one associated Advisory Circular (AC) which will expand, in an informative way, specific requirements of the Part and acceptable means of compliance. For instance an AC may contain examples of acceptable practices or procedures which would meet the requirements of a particular rule.

The CAR numbering system is based on the FAR system. As a general principle the subject matter of a rule Part will be the same or similar to the FAR although the title may differ to suit New Zealand terminology. Where a CAR Part does not readily equate with a FAR number code, a number has been selected that does not conflict with any existing FAR Part.

The objective of the new rules system is to strike a balance of responsibility between the State authority and those who provide services and exercise privileges in the civil aviation system. This balance must enable the State

authority to set standards for, and monitor performance of, aviation participants whilst providing the maximum flexibility for the participants to develop their own means of compliance.

Section 12 of the Civil Aviation Act 1990 requires participants in the aviation system to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices. Section 28 of the Act allows the Minister to make ordinary rules.

Notice of Proposed Rule Making

To provide public notice of, and opportunity for comment on the proposed new rules, the Authority, on 22 November 1995 issued Notice of Proposed Rule Making 95-7 under Docket Number 1032 NR. This Notice proposed the introduction of Civil Aviation Rules Part 12 to provide for information to be submitted to the Authority about accidents and incidents.

Supplementary Information

All comments made on the Notice of Proposed Rule Making are available in the rules docket for examination by interested persons. A report summarising each substantive contact with the Civil Aviation Authority contact person concerning this rule making has been filed in the docket.

Availability of the Document

Any person may view a copy of these rules at Aviation House, 1 Market Grove, Lower Hutt. Copies may be obtained from Publishing Solutions Ltd, PO Box 983, Wellington 6015, Telephone 0800 800 359.

Summary of Comments on Docket Number NPRM

1. General comments on the NPRM

1.1 From the 49 submissions received, 30 commenters, predominantly helicopter operators, stated that they "wish to register the strongest possible disagreement with the content of the NPRM for Part 12, dated 22 November 1995." They have two major concerns being;

- (i) the fact that information provided as part of the mandatory occurrence report can be used as part of an enforcement action against the submitter; and
- (ii) the grossly excessive number of items that are being detailed as reportable occurrences.

The commenters continued:

"One of the primary intentions of everyone within the aviation environment should be to enhance and promote flight safety. This will not be brought about

by forcing a participant to file reports for every minor occurrence that takes place. Furthermore, only negative results can be expected when participants know that anything they include in an occurrence report can be used against them in a possible enforcement action.

From information gathered in a review of procedures in other countries, it appears that the New Zealand situation (where the CAA is both the safety enforcer and the operator of the aviation occurrence reporting database) is not the best option to ensure free-flow of safety related information for analysis.

The most appropriate model to adopt is that used in the USA where only accidents, a limited number of safety flight occurrences, and over-due aircraft are subject to mandatory reporting. All other occurrences and observations are voluntarily reported in absolute confidence to a stand alone entity, totally separate from the FAA or NTSB. In the US, this entity is administered by the National Aeronautics and Space Administration (NASA).

The US Aviation Safety Reporting System (ASRS) is based on the fact that any report submitted under the ASRS (or information therefrom) is specifically prohibited from use in any disciplinary action (except information concerning criminal offences or accidents which are wholly excluded from the programme). A similar concept should be included in the New Zealand Civil Aviation Rules.

It is our belief that reporting systems, either mandatory or voluntary, will not provide any meaningful information where the reports submitted are prepared with the knowledge that the contents could be used to incriminate the submitter. In order to gain the maximum safety benefit from a New Zealand Aviation Safety Reporting System the following must be the case:

- the submission of reports within the New Zealand Civil Aviation System should be voluntary, with the exception of accidents, a minimal number of critical safety of flight occurrences, and overdue aircraft.
- a rule must be in place which prohibits the use of any report submitted under the Safety Reporting System from use in any enforcement action, except in the case of criminal offences and accidents.
- the collection, analysis, recording, promulgation, and data base of all Safety Reports must be carried out by an entity which is totally separate from the Civil Aviation Authority.

The separation of the Safety Reporting System from the CAA is vital to ensure that not only is the confidentiality of the reporter protected, but is seen to be protected. A total separation is therefore essential."

CAA response: The overall objective of the Authority is to use the information about accidents and incidents submitted under this Part to improve

the level of flight safety and not to attribute blame. For this purpose it is vital that the Authority receives information about all occurrences and that there is no impediment for the aviation industry to provide the information. The conflict between the safety function within which Part 12 is a critical element and the enforcement function has been considered by the Authority as it has by overseas Civil Aviation Authorities. Several countries are taking initiatives to ensure that mandatory safety information is not used for punitive actions to promote a free and open reporting system for the compilation of a reliable and complete data base. CAA concludes that a similar initiative is required in this country and Part 12 now contains a rule, subject to certain caveats, forbidding the use of Part 12 information for the purpose of prosecution investigation or for prosecution action.

Regarding the comment about the *grossly excessive number of items*, the purpose of Part 12 is to gather information about incidents for accident prevention. The list of reportable items is extensive but is required for the Authority to maintain in turn an extensive data base for safety analysis. In reality while the list appears to be daunting, many of the items do not occur very often but are included for completeness. On this basis we do not accept this as a valid concern.

The CAA does not agree with the suggestion that the safety reporting system be administered by an entity other than CAA. Establishing such an entity would not add value to the system and would probably increase the cost. The CAA has the responsibility and authority to take safety corrective actions and thus needs the data base to analyse and identify any corrective actions. The use of another agency to administer the system would invariably lead to a duplication of function and resource.

One commenter stated that they have a problem that under the Freedom of Information Act, confidential reports are available without protection to the New Zealand public. The commenter continued "Unless this subject can be tidied up, the success of any reporting system is in jeopardy because no person in their right mind will reveal all, not knowing who will be the recipient of their report. In the interests of improving flight safety, persons should have confidence in the security of the reporting system. The successful non-punitive reporting systems rely on full reporting which will only happen if the Freedom of Information Act is changed to allow this".

CAA response: The CAA agrees that reporters should have confidence in the security of the reporting system, and for this reason has enabled reporters to ensure confidentiality under 12.61 by requesting that the identity of the source be removed as soon as it is practical for the CAA to do so. This will mean that any report information obtained under the powers contained in other

legislation, for instance the Official Information Act 1982, would not contain the identity of source of the report.

One commenter stated that this docket fails in ALL the aims of the new rule making process!

(a) if participants in the civil aviation system are to assume responsibility for their safety actions why do they now have to report every minor adverse comment.

(b) this docket will ensure excessive costs of compliance by requiring such a high level of reporting.

(c) this docket will raise international barriers by requiring international operators as well as local operators to comply with a reporting system far in excess of ICAO requirements.

(d) the Authorities intervention will be invasive and have to support a huge bureaucracy, at great cost, to cope with the flood of reports this system will engender and then process it, to do trend analysis and promulgate data—

(i) this docket creates unnecessary regulatory requirements.

(ii) why have self review QA if everything has to be reported?

(iii) this docket evolves new State functions and powers.

(iv) certainly there are no privileges granted in the docket.

CAA response: The CAA does not agree as this is an ordinary rule made under Section 28(c)(i) being a matter related to the Authorities function under Section 72B of the Act. A function of the Authority under Section 72B(2)(d) is to investigate and review civil aviation accidents and incidents in its capacity as the responsible safety and security authority, subject to the limitations set out in section 14(3) of the Transport Accident Investigation Commission Act 1990. To effectively conduct this function, the Authority requires as complete as possible information to be submitted to it about accidents and incidents. These requirements are not new as they were previously required under a number of regulations and rules and Part 12 simply brings all the requirements together under one rule Part. The rule does not, as suggested by this commenter, require every adverse event to be notified as an incident by definition is *any occurrence, other than an accident, that is associated with the operation of an aircraft, and affects, or could affect, the safety of operation.*

One commenter stated that it is not apparent why the document does not stick to consecutive paragraph numbering. This leaves the reviewer with a sense of uncertainty as to the completeness of the document which will be perpetuated during amendment cycles if CAA perseveres with this format. It is

recommended that the paragraphs be numbered consecutively or an explanatory note to be included in each Civil Aviation Rule explaining why the paragraphs are not so numbered.

CAA response: The convention of using odd numbered paragraphs was adopted and implemented in every rule written to date. The purpose of this convention is to provide for the insertion of new rules as even numbers and thus not requiring the re-numbering of each and every rule after the insertion. Each Part has a list of rules and there should not be any uncertainty about identifying the completeness of any Part.

One commenter said that with regard to terminology the rule should observe the convention of ICAO as set out in Annex 13. In the rule title and throughout the document the word *report* is used indiscriminately. *Notification* is used in its correct sense in relation to ICAO but *report* is used for the action of notification and to describe an expanded notification. Traditionally and internationally the *notification* of an accident is advice that it has occurred and what is known about the circumstances by the notifier while a *report* is the document prepared by the investigator or investigating authority at the completion of an investigation.

CAA response: CAA agrees and now uses the terms *notify* and *details* with regard to information required to be submitted to the Authority about the circumstance of an occurrence. The word *report* is now used in the context of information following an investigation of an occurrence.

2. Specific comments on the NPRM

Specific comments received from the 49 submissions are discussed as follows:

2.1 12.1 Applicability

The Transport Accident Investigation Commission recommended that rather than list exclusions that the paragraph state the classes of "aircraft with which the Civil Aviation Authority are concerned for example, aeroplanes including gliders, helicopters, autogyros and balloons which are on the New Zealand register or the Civil Aviation register of another State.

CAA response: The CAA agrees that the scope is too wide for incidents and has amended the rule to exclude aircraft operating under Parts 103 Operation of Microlight Aircraft, Part 104 Operation of Gliders and Powered Gliders, Part 105 Parachuting Operations, Part 106 Operation of Hang Gliders, from the requirement to notify incidents.

2.2 12.3 Definitions

Mount Cook Airline stated that they had difficulty with the definition of "aerodrome incident" considering that the incident should create a hazard to

an aircraft before being classified as an incident. They also considered that a defect that has been notified by a NOTAM should not be classified as an incident.

CAA response: The definition of an “incident” contained in the Act specifies that it “affects or could affect the safety of operation” and this same criteria applies to aerodrome incident. The CAA does not agree that an aerodrome defect that has been notified by NOTAM is not an aerodrome incident. A NOTAM is a corrective action of a defect which could fulfil the criteria of being a notifiable incident.

A number of commenters suggested that the definition of “accident” and “incident” should be defined in Part 12.

CAA response: The CAA does not agree. These definitions are in the Act and are repeated verbatim in Part 1. However these definitions will be included in the accompanying Advisory Circular for easy reference.

The Airways Corporation of New Zealand stated that terms such as “navigation installation incident” and “facility malfunction” need to be standardised.

CAA response: The CAA agrees and the term “facility malfunction” replaces the term “navigation installation incident” in the rule.

One commenter stated that they had difficulty with respect to the definition and understanding of accidents and incidents and the reporting of such events. The commenter suggested that the definition of these terms should be included in this rule.

CAA response: The CAA does not agree as the rule specifically states the information required for notification and reporting of occurrences. The term *reporting* is replaced by *details* in the rule and this should clarify the meaning of the terminology used.

The New Zealand Parachute Federation stated that their interpretation of the term “aircraft” is that a parachute is an aircraft only after it has been deployed. They suggest an amendment is required to the term “aircraft” to include a parachute prior to deployment.

CAA response: The CAA does not agree that a change to the definition in the Act and Part 1 of *aircraft* to specifically include a parachute prior to deployment is an issue to be resolved under Part 12. There is provided in Part 11 a process for petitioning a rule change such as the one suggested which would be the appropriate course if a person wished to pursue this issue.

Air New Zealand (Flight Operations) considered that—

- (a) The definition of airspace incident is too narrow as it only covers incidents in the New Zealand Flight Information Region (FIR); and
- (b) The definition of “defect incident is too wide” and should be related to an incident having an impact on the safety of the flight; and
- (c) The definition of “security incident” is too narrow, for example a bomb scare would not be included; and
- (d) The “definition of “dangerous goods incident” does not include goods not declared as dangerous goods or not properly packaged, or labelled, or marked, or documented.

CAA response:

- (a) The CAA agrees with the comment about an airspace incident and the reference to the New Zealand Flight Information Region is deleted from the definition. In effect the requirement to report an airspace incident will be in accordance with Section 4 of the Act being every *aircraft operating in New Zealand and a New Zealand registered aircraft whether within or outside New Zealand*.
- (b) The CAA does not agree as the definition of incident contained in Part 1 and in the Act restricts each type of incident to being one that affects or could affect the safety of operation.
- (c) The CAA does not agree as the other type of occurrences referred to are being addressed in the Security rules which requires systems and procedures to respond to such occurrences rather than submitting information about occurrences.
- (d) The CAA agrees with the comment about dangerous goods and the definition is amended to include these items.

2.3 12.51 Initial notification of accidents

The New Zealand Parachute Federation state that the exclusive use of terminology such as pilot-in-command, aircraft, and operator whilst strictly correct when applied to a standard aircraft operation are not entirely applicable in the sporting aviation context. For example, who is the operator when it comes to a privately owned parachute, most likely to be the owner who is injured. They suggest that there is a need for a requirement to be placed on a Part 149 organisation to report the accident.

CAA response: The CAA recognises that difficulties may arise where an owner/operator is involved in an accident, and that this would be the case whether the aircraft involved was an aeroplane or a parachute but also appreciates that the line of responsibility must be drawn at a reasonable point.

Section 26 of the Act similarly extends the requirement to report an accident only as far as the operator and only if the pilot-in-command is incapacitated. However if the owner/operator is incapacitated the CAA is satisfied that information will be forthcoming from the police or other sources.

2.4 12.53 Reporting of accidents

Air New Zealand (Flight Operations) stated that the requirement for a statement from each crew member is a new one and it is difficult to see what it will achieve.

CAA response: It is a new requirement for New Zealand but has been a requirement of a number of States for a number of years. The rule ensures more complete information is obtained by requiring that the flight crew members give their account of the accident. This input from flight crew quite often completes the information to identify the causal factors and no further investigation is required.

2.5 12.55 Initial notification of incidents

Three commenters stated that the rule requiring multiplicity of reports does not suit large organisations.

Air New Zealand (Engineering services) considered that the rule as written would encourage people to report directly to CAA by-passing the procedures required to be established by the organisation for their certification.

Air New Zealand (Flight operations) considered that as written it does not suit Part 121 operators which are required to have quality systems to process occurrence reports and carry out internal investigations to identify corrective actions required to prevent reoccurrence. The operator would need to collate the input, otherwise it is an unmanaged process.

Airways Corporation of New Zealand commented that this and rule 12.57 seem to be specifically directed and addressed to individuals and not organisations. The commenter continued: "It seems that in most cases the individuals becoming aware of an incident will work for an organisation which will itself have requirements to ensure reporting of incidents by virtue of its certification to other parts of the rules. We accept the concept of giving responsibilities to individuals in order to widen the reporting net. Frequently however a number of individuals will be involved, often from more than one organisation, and no provision is made to prevent the inevitable administrative difficulties and the duplication of effort which will occur from multiple reporting of the same occurrence. We recommend that the primary requirement should be to notify, investigate and report through an organisation and this should be addressed in the rule itself."

CAA response: CAA agrees and the rule is amended to require certificated organisations to submit incident information to the Authority. It follows that individuals in the employment of certificated organisation will submit incident information in accordance with the system and procedures established by that organisation.

2.6 12.57 Reporting of incidents

One commenter considers that Form CAA005 is unsuitable for the reporting of dangerous goods incidents and suggested that CAA accept operator forms as some other means of communication acceptable to the Director.

CAA response: CAA will review Form CAA005 and if unsuitable will consider some alternative means for the submission of this information.

One commenter said that there may be difficulty for an organisation to determine whether they are “involved in an incident”, especially one which does not relate to the service that they are providing at the time. At what stage does a service provider which does “any other act in respect of an aircraft....” determine that a report would not be required? To adopt a simplistic approach that “if in doubt, file a report” could result in a waste of time for that organisation and the Authority.

CAA response: There is no ready answer to the issue identified by this commenter. Further guidance is provided in the advisory circular for this sort of situation though on past experience the Authority believed that the type of situation described by the commenter will be rare.

2.7 12.59 Investigation requirements

One commenter stated that this rule has two deficiencies—

(1) It does not recognise that an Appendix B certificate holder notifying the Authority of an occurrence may not be the organisation responsible for the primary cause of the incident. In this case the notifying organisation will not:

- have the power to investigate the cause
- have the capability to determine the cause
- have knowledge of what remedial actions have been taken or are appropriate

(2) It does not recognise that the holder of an Appendix B document in many cases will not be responsible for notification of the occurrence and will therefore not, under the present wording, be required to carry out the investigation which the rule obviously intends. In fact, as the rule only places obligations on individual persons it could be argued that the

organisation will never be the reporter and therefore rule 12.59 is powerless.

CAA response: The CAA agrees with these comments and the rule is amended to refer to certificate holders rather than individuals and to specify the scope of investigations. In response to comments to rule 12.55 and 12.57 the requirement to provide information is placed on certificated organisations and this rule similarly amended addresses the issues raised by this commenter. The objective of this rule is to enable the certificate holder to identify, from its involvement in the occurrence, any corrective action that may be required.

The same commenter stated that it does not make it clear that investigations should cease as soon as TAIC has notified the relevant parties that it intends to investigate the occurrence.

CAA response: The fact that TAIC is conducting an investigation to an occurrence does not necessarily preclude the certificate holder from continuing an investigation to determine if any corrective actions are required within their organisation.

One commenter was concerned in that effective investigation of the cause may involve obtaining information from parties outside the reporting organisation. The commenter asks what authority will there be for the investigating organisation to require release of such information from a third party.

CAA response: The rule requires the organisation to identify the facts relating to its own involvement in the incident and establish as far as those facts will allow, the cause or causes of the incident. There is no authority for an organisation to obtain information from a third party and therefore its investigation is limited by the information available within the organisation. However if another party is involved in the incident they will investigate and report their findings to the Authority. The Authority will receive full information about the incident from one or more source and in some circumstances will conduct its own investigation or make information it has available to an organisation for its investigation.

One commenter stated that to require a separate bird incident notification by the Airport Certificate Holder seems cumbersome and does the Authority expect the Aerodrome Certificate Holder to carry out an investigation of each bird incident.

CAA response: The CAA agrees and the rule now requires bird incidents to be notified by the pilot-in-command of the aircraft involved in the incident.

One commenter considered that Part 149 needs to be added to the list in Paragraph B if the requirements for investigation is intended to apply to Part 149 organisations.

CAA response: The reference to organisations listed in Appendix B is now deleted. The requirements for Part 149 organisations to conduct incident investigations will be addressed in that rule.

One commenter stated that to “immediately conduct” an investigation is an unrealistic requirement.

CAA response: The CAA agrees and has removed the word *immediately* from the rule.

One commenter considered that “to determine the cause” is an outdated idea, especially the reference to a single cause. Considering that the purpose of such an investigation is to prevent such occurrences in future, it would be better to use words such as “identify factors that contributed to the occurrence”.

CAA response: CAA agrees that determining the cause *or causes* is more appropriate to total occurrence investigation and has amended the rule accordingly. The CAA does not agree that use of this terminology is outdated as it is used in Annex 13 which refers to immediate and deeper systematic causes. The Advisory Circular on investigations will expand on the rule terminology making reference to causal factors and the techniques and procedures to be used.

One commenter considered that there needs to be the ability with CAA consent in each case to extend beyond the 90 day time period for extensive investigations.

CAA response: CAA agrees that this might be an infrequent situation and in such cases would have the ability to extend the period when required.

2.9 12.61 Confidentiality of incident reporters

One commenter stated that this is a mandatory system and should not be confused with a confidential system.

One commenter stated that the offer of confidentiality is understood to be an attempt to gain more and better quality information from users in the aviation system, especially from the sensitive area of Human Factors which is known to correlate highly with causation of aviation incidents and accidents. The commenter then detailed reasons why this confidentiality would not be effective concluding that “the proposed rule attempts to set up a CAA run confidential incident reporting system similar to those trialled and universally discarded overseas.”

One commenter is concerned that this rule may be construed as establishing a form of Confidential Incident Reporting System similar to those established overseas.

CAA response: The purpose of this rule is not to establish a confidential reporting system as suggested by these commenters or to undermine ICARUS, the confidential aviation human factors reporting system which the CAA fully supports as being independent and complementary to Part 12. The provision of the rule is similar to that in place in the United Kingdom's CAA Mandatory Occurrence Reporting System to protect the identity of the person submitting the information. Its purpose is to protect a person from self incrimination and from possible recriminations by an employer or peers for submitting the information. The CAA considers that this provision will be used sparingly and will actively discourage misuse of this provision as it could inhibit follow up investigation of the occurrence.

One commenter stated that "I am not comfortable with this confidentiality of incident reporters as it could be used to commercially disadvantage an operators competitor. Anybody making a report must be accountable and recommend that this rule be deleted."

CAA response: The CAA will not reveal the identity of the person or organisation involved in an incident and therefore does not agree with the reservations that this commenter expresses.

Three commenters expressed reservations about the effectiveness of this provision as they considered that the caveat would deter persons using the provision.

CAA response: CAA agrees and has removed the caveats from the rule.

2.10 12.101 Custody of aircraft

One commenter stated that this rule refers to every aircraft (including its contents), involved in an accident being in the Authority's custody until it is no longer required for the Authority's investigation. Such a statement is in conflict with the Transport Accident Investigation Act 1990 which gives TAIC the authority to take possession of such evidence for the duration of its investigation. The TAIC Act also provides for parallel investigations such as those conducted by the Authority's safety or enforcement divisions. Even if it were not considered to be in conflict with the TAIC Act the practicality of the Authority taking possession of the wreckage during a TAIC investigation would create logistic problems which the Authority might well wish to avoid. The commenter recommends that the rule be re-worded to recognise TAIC may well have possession of such evidence during investigations by the Authority.

CAA response: The CAA agrees that TAIC's authority should be recognised in the rule and has amended the rule accordingly.

One commenter considered that the requirement needs to be more explicit where it concerns a parachute and that the custody may not apply to a non-deployed parachute.

CAA response: The CAA repeats its comment made under 12.51 that Part 12 is not the place to consider changing the definition of aircraft. The custody rule applies only to aircraft, which meaning is currently defined in both the Act and in Part 1.

One commenter stated that there is also no requirement for authorisation of the release of the aircraft from the custody of the Authority to be issued in writing. The mechanism specified for the Authority to enable a release needs to be clear and unambiguous as an offence occurs if there is any non-compliance. The commenter suggests that a possible solution would be to insert the following:

Release of the aircraft and/or its contents from the custody of the Authority shall be advised in writing to the pilot-in-command or the operator or the Police as deemed appropriate by the Authority.

CAA response: The CAA does not agree with the commenter that there is a need to specify the procedures for the release of an aircraft in the rule. The aircraft is released to its rightful owner and in practice is done by notification to the owner and this action is recorded.

2.11 12.103 Access to aircraft

The New Zealand Gliding Association request clarification of the intent of this rule which specifies circumstances under which aircraft wreckage may be moved by persons other than TAIC, CAA or persons approved by the CAA. Two questions arise from this section in relation to gliders.

“Appendix B excludes glider incidents from being investigated, unless the glider is being operated by a Part 119 organisation. We presume that the removal of a damaged glider, as long as a serious injury or death is involved, is therefore permitted.”

“The Director has previously granted conditional approval for the removal of a damaged glider to specific persons in the Association provided there was no personal injury involved and there was no suspicion of any aircraft malfunction or criminal activity. The relevant page from the NZGA Manual of Approved Procedures are attached. We request confirmation that this procedure may continue under Part 12 provisions.”

CAA response: Removal of any aircraft that is involved in an accident is not permitted without the consent of the Authority. The NZGA can apply for this consent under this rule similar to the approval they now hold subject, of course, to TAIC agreement.

2.12 12.105 Preservation of records

One commenter stated that there needs to be a clear time limit set for the Authority to advise the operator, or person, that an investigation is to be conducted by the Authority e.g. within 14 days of submitting a report, and that they must preserve the records until further advised in writing. In addition the Authority must be required to advise the operator or person in writing that an investigation has been completed to the extent that the preservation of records is no longer required. The suggested rule is too open ended and places excessive compliance liability upon the reporter. Under the clause as it stands the Authority could decide some months after a report has been submitted that a cursory investigation undertaken by CAA at the time needed to be expanded. In other words CAA have an excuse for inefficiency but the reporter is liable if they fail to preserve records even though they thought the investigation had already been completed.

One commenter asked how do you know if the CAA are going to investigate an incident and when would you know it. For example, it would be necessary to remove a Flight Data Recorder from an aircraft, one or at the most, two sectors after an incident or the recording will be lost. A cockpit voice recorder is even more time critical but still comes under the broad-brush *all recording media* requirement.

CAA response: The rule has been amended to prescribe that the records must be preserved for at least 14 days unless otherwise notified by the Authority. In essence if an operator has not been notified of the requirement to preserve the records for a period in excess of 14 days, the operator is not then obliged to preserve the records. In practice the Authority has and will continue to advise operators of their intent to investigate an occurrence without delay and at the same time discuss the records that are available and subject to this rule. As well the Authority will conduct its investigations and advise that records no longer need to be preserved in a timely fashion.

One commenter stated that as a matter of course TAIC will take possession of the evidence referred to in this paragraph during any investigation it conducts. Thus TAIC has primacy which would prevent the operator from complying with this rule. It is recommended therefore that the subparagraphs, for which there is no relevant paragraph, be preceded by *Except when TAIC takes possession of such objects in the course of an investigation which it is conducting*.

CAA response: The CAA recognises TAIC's authority to possess records relating to its occurrence investigation but does not believe that the rule as it is written conflicts with that authority. The rule has been amended, however, to require that records be *preserved* rather than *retained* to make it quite clear that the records may in fact end up with TAIC under TAIC's legislative powers.

2.13 Retention of defective products and components

One commenter stated that the term *operator* is defined in Part 1. However this definition may not convey the apparent intent of the rule. Rule Part 1 defines an *operator* as *one who means to fly or operate an aircraft, or to permit the aircraft to fly, be used...* The commenter considers that this is too narrow a definition in the context of Part 12 as it is expected that a broader spectrum of individuals or organisations shall report incidents as specified in rule 12.57, than those who fly aircraft.

CAA response: The CAA has reviewed this rule in light of this comment and has amended the rule to identify the persons and organisations required to comply with the rule.

One commenter stated that the rule needs to make provision for handling urgent repairs to high cost components. It may be unacceptable for some components to be retained for 14 days due to cost of replacement or repair turn times. A fast track method for release of components should be provided in the rule.

CAA response: The rule does allow the Authority to release components before the 14 day period. The Authority is aware of this issue and in practice will release such items when the component is no longer required to be retained for investigation of the incident.

2.14 12.151 Statistics

One commenter stated that statistics do not appear relevant to occurrence reporting. If it is to be used for analysis then the rule should say so and the CAA limited to that purpose.

CAA response: Statistics are required for occurrence analysis and as well the Authority has an obligation to provide statistical returns to ICAO. The CAA does not agree to include limitations on the use of statistics in the rule as 12.153 addresses the confidentiality of statistical reports.

The New Zealand Parachute Federation stated that in their opinion the collection of accident and incident reports is meaningless without the collection of base line statistical data. The requirements of this rule currently apply exclusively to powered aircraft and ignores the collection of base line operating data for other aviation activities that would allow CAA to carry out trend analysis for overall monitoring purposes. They suggest that the rule require a Part 149 organisation collect base line statistical data on the activities approved under their certificate and to provide an annual report to the Authority.

CAA response: The CAA does not agree with the suggestion that the rule should require statistics from the holders of a certificate under Part 149. The

holder of a certificate issued under Part 149 will be responsible for monitoring the applicable activities and this may require the collection of statistical data. Otherwise the Authority does not consider that it needs to analyse the activities of sport and recreation type activity to the extent of requiring statistical data.

The New Zealand Parachute Federation suggested that the reporting period for not for hire and reward be from the 1st of July to 30 June the following year. This allows the task of collation and analysis to take place during the winter period when activity levels are low and more resource is available to do the work.

CAA response: The period of 1 January to 31 December coincides with the time frame for the Authority to comply with its obligation to provide statistical reports to ICAO and other organisations. While being appreciative of this suggestion the CAA does not agree to amend the rule as suggested.

2.15 Appendix A — Information Required for Initial Notification of Incidents

One commenter stated that it is not too clear in (a)(11) what is meant by *controlling authority*. If this is intended to mean the ATS agency responsible for service in the airspace it is our opinion that this may not be readily known to the incident reporter but would be immediately apparent to CAA.

CAA response: The intended meaning of controlling authority is as suggested by the commenter and the rule is amended to refer to the ATS unit involved. Whilst the identity of the ATS unit may not always be known by the reporter, the information is required if the reporter is able to ascertain the identity of the unit.

One commenter stated that the information format of form CA005 appears largely irrelevant to some incidents.

CAA response: This is acknowledged and if there is no appropriate entry on CA005 the narrative can contain the relevant information.

One commenter stated that in (c)(6) the aerodrome and runway may not be relevant in all such cases as it could be the likes of an en route navigation aid. In (c)(10), the provider of the facility will be unknown in many cases and this is not a realistic requirement for initial notification.

CAA response: The CAA agrees with the comment about (c)(6) and in such a case the information can be given as not applicable. The comment about (c)(10) is accepted in terms of the NPRM. The requirement for pilots to give notification of a facility malfunction report is only required when the incident is serious and if any of the required information cannot be ascertained the pilot is not required to provide it. Also it should be noted that in 91.431 each pilot in

command is required to notify ATS of a facility malfunction. This is to enable ATS to pass the information to the holder of a Part 171 certificate.

One commenter asked what is meant by make a *situation report* required under (e)(12).

CAA response: The CAA reviewed this requirement and determined that the term *situation report* is meaningless jargon in the context of this rule and is therefore deleted.

Conclusion

The Authority concludes from this consultation that the majority of aviation industry participants favour the direction of the new rules. Specific issues that were identified in the comments received from the consultative group have been addressed. The rules also meet New Zealand's international obligations under the applicable ICAO Annex. The comments and all the background material used in developing the rules are held on the docket file and are available for public scrutiny. Persons wishing to view the docket file should call at Aviation House, 1 Market Grove, Lower Hutt and ask for docket file 1032.

Regulatory activities

Specific amendments to the Regulations and NZCAR will not be necessary. Section 14(2) of the Civil Aviation Amendment Act 1991 (as amended by section 34 of 1996 No. 91) deems the Civil Aviation Regulations 1953 that are continued in force by section 8 of that Act to be revoked on the close of 31 March 1997.

Section 14(3) states that any order, notice, requirement, circular, or other publication continued in force by section 8 shall expire on the close of 31 March 1997.

Commencement

Part 12 comes into force on 1 April 1997.