



PURSUANT to Sections 28, 29 and 30 of the Civil Aviation Act 1990

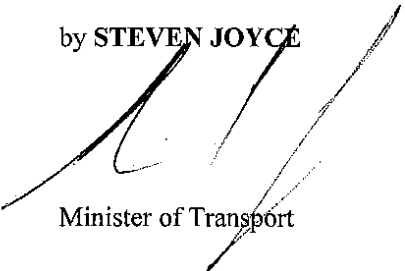
I, STEVEN JOYCE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *11th* day of *October* 2011

by **STEVEN JOYCE**


Minister of Transport

Civil Aviation Rules

Part 101, Amendment 4

**Gyrogliders and parasails; and Unmanned Balloons,
Kites, Rockets, and Model Aircraft – Operating Rules**

Docket 5/CAR/1

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Rule objective

The objective of amendment 4 to Part 101 is to update the parasailing rules as a consequence to the introduction of the new Part 115 adventure aviation rules.

Extent of consultation

The Director was approached by interested parties in the early 1990's requesting that a rule be developed to allow the carriage of passengers for hire or reward in aircraft engaged in activities that could best be described as 'adventure aviation'. The basic concepts were discussed in 1994 at an industry meeting that was attended by CAA. The concepts included types of aircraft eligible, and passengers flying at their own risk.

In 1996 McGregor & Company and Aviation Consultancy Services Pty Ltd presented a report to the Civil Aviation Authority on adventure aviation. The report concluded that the adventure aviation sector should be either regulated or stopped. As a result, CAA agreed to proceed with the selection of a Civil Aviation Rules Advisory Group (CIRAG) for the development of Rule Part 115 Adventure Aviation.

Part 115 was originally put to the industry as an NPRM in 1999. This NPRM attracted a number of comments, and prompted a review of CAA's policy which limited proposed "extreme" activities. The Part 115 Project was suspended in June 2002 due to other CAA priorities.

In 2003, the industry and CIRAG requested that the CAA undertake another review to determine the need for Part 115. The request was based on a concern that operational standards for adventure aviation operators were below the standards required for Part 135 certificate holders.

In July 2006, the Director agreed to introduce a new Part 115 rule development project with updated regulatory objectives that reflect the contemporary environment. Prior to the publication of notice of proposed rulemaking (NPRM) 10-02, the rule development project for Part 115 was undertaken in consultation with a project working group (PWG) that consisted of representatives from each of the adventure

aviation industry sectors (i.e. hot air ballooning; hang gliding; paragliding; gliding; parachuting; special category aircraft – warbirds; and microlight aircraft operations).

NPRM 10-02, containing the proposed amendment to Part 101 was issued for public consultation under Docket 5/CAR/1 on 23 September 2010.

The publication of the NPRM was notified in the Gazette (No. 124) on 23 September 2010. The NPRM was published on the CAA web site and mailed to identified stakeholders.

A period of 42 working days to 19 November 2010 was allowed for comment on the proposed rule.

Summary of submissions

A total of 33 written submissions were received on the NPRM. There were no changes made to Part 101 as a result of the submissions, however rule 101.271(2) was amended to reflect international best practice with regard to the maximum wind speed for parasail operations, and rule 101.273(1) was amended to clarify the age group to which the rule refers to.

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 are reflected by the revocation of 9 existing rules and the insertion of 9 new rules in their place and the insertion of 2 new rules.

Effective date of rule

Amendment 4 to Part 101 comes into force on 10 November 2011.

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 101 Gyrogliders and Parasails; and Unmanned Balloons, Kites, Rockets, and Model Aircraft – Operating Rules

Subpart F — Gyrogliders and Parasails

Rule 101.253 is revoked and replaced by the following rule:

101.253 Aerodromes

- (a) A person must not operate a gyroglider or parasail on an aerodrome or within 4 km of an aerodrome boundary unless—
- (1) at an uncontrolled aerodrome, the gyroglider or parasail is operated—
 - (i) in accordance with an agreement with the aerodrome operator; and
 - (ii) at a height not exceeding 400 feet AGL; or
 - (2) at a controlled aerodrome, the gyroglider or parasail is operated in accordance with an authorisation from the aerodrome air traffic control service.
- (b) A person must not operate a gyroglider or parasail—
- (1) on or over any aircraft movement area of an aerodrome; or
 - (2) on or over any active runway or runway strip area of an aerodrome.

Rule 101.255 is revoked and replaced by the following rule:

101.255 Airspace

A person operating a gyroglider or parasail above a height of 400 feet AGL must—

- (1) ensure that the gyroglider or parasail remains more than 4 km from any aerodrome boundary; and

- (2) operate in Class G airspace; and
- (3) provide the following information to the New Zealand NOTAM office at least 24 hours before the operation:
 - (i) the name, address, and telephone number of the operator:
 - (ii) the date, time, and duration of the operation:
 - (iii) a brief description of the gyroglider or parasail (including size and predominant colour):
 - (iv) the height to which the gyroglider or parasail will be operated.

Rule 101.257 is revoked and replaced by the following rule:

101.257 Meteorological limitations

(a) Except as provided in paragraph (b), a person operating a gyroglider or parasail must—

- (1) not operate closer than 400 feet below cloud; and
- (2) limit operations to an area where the ground visibility is at least 5 km.

(b) Paragraph (a) does not apply to the shielded operation of a gyroglider or parasail.

Rule 101.259 is revoked and replaced by the following rule:

101.259 Night operations

A person must not operate a gyroglider or parasail at night.

Rule 101.261 is revoked and replaced by the following rule:

101.261 Airworthiness

A person who operates a gyroglider or parasail must ensure that it is fit for the intended purpose and is maintained in an airworthy condition in accordance with the manufacturer’s instruction.

Rule 101.263 is revoked and replaced by the following rule:

101.263 Safety equipment

A person operating a gyroglider or parasail must ensure that each person carried by the gyroglider or parasail—

- (1) when flying over water, or within gliding distance of water, wears a positive buoyancy aid; and
- (2) wears a rigid protective helmet; and
- (3) is secured to the gyroglider or parasail by a harness; and
- (4) for a parasail operation conducted with an extended towline length exceeding 600 feet, as measured from the winch drum to the parasail canopy yoke, is equipped with a positive means of communicating with the parasail operator if an emergency occurs.

Rule 101.265 is revoked and replaced by the following rule:

101.265 Pre-flight briefing

A person operating a gyroglider or parasail must ensure that each person carried by the gyroglider or parasail receives a pre-flight briefing on—

- (1) the nature of the flight; and
- (2) the standard operating procedures; and
- (3) the emergency procedures including:
 - (i) the location and use of emergency equipment;

- (ii) the procedures to be followed in the event of a water landing, or towline separation; and
- (iii) the method for communicating with the gyroglider or parasail operator if an emergency occurs.

Rule 101.267 is revoked and replaced by the following rule:

101.267 Emergency towline release

A person must not release the towline of a gyroglider or a parasail in flight except in an emergency.

Rule 101.269 is revoked and replaced by the following rule:

101.269 Operating procedures

A person operating a gyroglider or parasail must do so in accordance with the operating procedures and limitations recommended by the manufacturer.

The following new rule is inserted after rule 101.269:

101.271 Wind speed

A person operating a parasail must—

- (1) use a method or device to accurately determine and monitor the wind speed at the location where the parasailing operation is being conducted; and
- (2) not conduct a parasailing operation in conditions where the sustained wind speed exceeds 20 knots.

The following new rule is inserted after rule 101.271:

101.273 Passenger age limitation

A person operating a parasail must not—

- (1) perform a parasailing operation with an extended towline length of more than 300 feet, as measured from the winch

drum to the parasail canopy yoke, when carrying any solo passenger who is between 8 and 11 years old; and

- (2) perform a parasailing operation with a passenger carried by a parasail who is less than 8 years old unless the passenger is accompanied by another passenger who is at least 18 years old, and is able to assist the younger passenger if an emergency occurs.

Consultation Details

A Notice of Proposed Rulemaking, NPRM 10-02 *Part 115 Adventure Aviation – Certification and Operations*, was issued for public consultation under Docket 5/CAR/1 on 23 September 2010.

A total of 33 responses to the NPRM were received - 9 submissions were from individuals, and 24 from organisations.

Details regarding the list of submitters and a summary of the public submissions can be found in the consultation details of the final rule document for the initial issue of Part 115.