



**WELLINGTON NEW ZEALAND**

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, **HARRY JAMES DUYNHOVEN**, Associate Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *5<sup>th</sup>* day of *July* 2004

by **HARRY JAMES DUYNHOVEN**

Associate Minister of Transport

**Civil Aviation Rules**

**Part 105, Amendment 2**

**Parachuting – Operating Rules**

*Docket 98/CAR/1304*

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### **Part 105 Amendments**

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### **Consultation Details**

**Rule objective**

The object of amendment 2 to Part 105 is to amend various rules as a consequence of the re-issue of Part 71 and the revocation of Part 73.

These changes include:

- changing the references to Part 73 to read Part 71
- deleting the references to PDZ
- changing the references to military operational areas to read military operating areas.

**Extent of consultation**

A Notice of Proposed Rule Making 99-5 was issued for public comment in September 1999. As a result of comments received to this NPRM, and the need to harmonise airspace terminology with Australia, extend the Director's power to designate transponder mandatory airspace to provide for the more effective use of ACAS, and address consequential amendments to other Parts, a new NPRM 01-04 was issued in October 2003.

Considerable public and industry consultation on various issues had already taken place prior to and during the development of this new NPRM. This consultation included:

- The public consultation that took place on the original NPRM 99-5 issued in 1999, and the consequential meetings and discussions with Gliding New Zealand and Airways Corporation
- The airspace terminology harmonisation discussions that took place with the Civil Aviation Safety Authority Australia over the period December 2000 to July 2001
- Discussions on transponder mandatory airspace during the Part 121 and Part 125 Airborne Collision Avoidance System rules development projects during 2001 and 2002

- The extensive consultation that took place with various aviation user groups and industry representatives during 2001/02 in association with the Airspace Review conducted by the CAA Aeronautical Services Unit.

A Notice of Proposed Rulemaking, NPRM 04-01, containing the proposed re-issue of Part 71 and the revocation of Part 73 together with the consequential amendments to Parts 1, 77, 91, 101, 105, and 172 was issued for public consultation under Docket 98/CAR/1304 on 16 October 2003.

The publication of this NPRM was notified in the Gazette on 16 October 2003 and advertised in the daily newspapers in the five main provincial centres on 18 October 2003. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 30 days was allowed for comment on the proposed rule.

### **Summary of comments**

Fourteen written submissions were received on the NPRM. One written submission was received in relation to 105.13(2) that reference to ‘aeronautical chart’ should read ‘current visual aeronautical chart’.

This submission and comment has been considered and as a result 105.13(2) has been amended to read ‘current aeronautical chart’.

The rules as amended were then referred to Parliament’s Regulations Review Committee before being signed by the Associate Minister of Transport.

### **Examination of comments**

Comments 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 the revocation of existing rules and the insertion of new rules.

### **Effective date of rule**

Amendment 2 to Part 105 comes into force on 5 August 2004.

### **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 105 Amendments

*Rule 105.13 is revoked and the following new rule inserted:*

### **105.13 Parachute descents**

A person must not make a parachute descent unless the descent is—

- (1) within controlled airspace classified as C or D airspace under Part 71; or
- (2) within an area authorised by a parachute organisation provided that area is depicted on a current aeronautical chart or the details of the parachuting activity have been promulgated by means of an AIP Supplement or NOTAM.

*Rule 105.19 is revoked and the following new rule inserted:*

### **105.19 Controlled airspace**

(a) A person must not carry out a parachute operation in controlled airspace except in accordance with an agreement between the local parachute operators and the ATC unit responsible for the airspace.

(b) A person must not make a parachute descent in or into controlled airspace unless —

- (1) an ATC clearance has been issued for the parachute descent before the person exits from the parachute-drop aircraft; and
- (2) the person descends in accordance with the ATC clearance.

*Rule 105.21 is revoked and the following new rule inserted:*

### **105.21 Descents onto aerodromes**

A person making a parachute descent onto an aerodrome must—

- (1) have the prior agreement of the aerodrome operator; and
- (2) if ATS is not in attendance, avoid the pattern of traffic formed by aircraft operating within the aerodrome traffic circuit at the aerodrome.

*Rule 105.23 is revoked and the following new rule inserted:*

**105.23 Descents within military operating areas and restricted areas**

A person must not make a parachute descent within a military operating area or a restricted area designated under Part 71 unless they have the approval of the administering authority responsible for the military operating area or the restricted area, as the case may be.

## **Consultation Details**

(This statement does not form part of the rules contained in Part 105. It provides details of the consultation undertaken in making the rules.)

The consultation details relating to amendment 2 to Part 105 are contained in the consultation details of the re-issue of Part 71. The comments and all the background material used in developing the rules are held on the docket and are available to the public. Persons wishing to view the docket should call at the Civil Aviation Authority and ask for docket 98/CAR/1304.