



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, MAURICE WILLIAMSON, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *19* day of *December* 1995

by **MAURICE WILLIAMSON**

Maurice Williamson
Minister of Transport

Civil Aviation Rules

Part 141

Aviation Training Organisations - Certification

Docket Nr. 1008

Civil Aviation Rules
Part 141

Aviation Training Organisations - Certification

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Part 141 is to establish the certification standards for organisations conducting training courses and assessments that are required by other Civil Aviation Rules to be conducted by the holder of a Part 141 certificate.

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 141 was developed by the rules rewrite team in consultation with members of the consultative group. An informal draft was published and distributed in September 1993 and a period of informal consultation followed. This culminated in the issue of Notice of Proposed Rulemaking under Docket 1008 on 4 August 1994.

The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 10 August 1994. 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 98 days was allowed for comment on the proposed rule. Thirty one submissions were made by organisations and individuals. These submissions contained a total of 308 comments on Part 141 and its associated Advisory Circular.

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 141 comes into force 28 days after notification in the Gazette.

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Subpart A — General

141.1 *Applicability*

(a) This Part prescribes rules governing the certification and operation of organisations conducting aviation training and assessments that are required by Civil Aviation Rules to be conducted by an organisation certificated under this Part.

(b) The following certificates are issued under this part:

- (1) standard Aviation Training Organisation Certificate;
- (2) Restricted Aviation Training Organisation Certificate.

141.3 *Application for certificate*

Each applicant for the grant of an aviation training organisation certificate shall complete form CAA 24141/01 and submit it to the Director with payment of the appropriate application fee prescribed by regulations made under the Act, together with—

- (1) for a standard aviation training organisation certificate, the exposition required by 141.63; or
- (2) for a restricted aviation training organisation certificate, the information required by 141.151(b).

141.5 *Issue of certificate*

(a) An applicant is entitled to a standard aviation training organisation certificate if the Director is satisfied that—

- (1) the applicant, and any senior person or persons required by 141.51(a)(1) and (2), are fit and proper persons; and
- (2) the applicant meets the requirements of Subpart B; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.

(b) An applicant is entitled to a restricted aviation training organisation certificate if the Director is satisfied that—

- (1) the applicant is a fit and proper person; and
- (2) the applicant meets the requirements of 141.151; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.

141.7 Privileges of certificate

The aviation training organisation certificate specifies the training courses and assessments that the holder is authorised to conduct.

141.9 Duration of certificate

- (a) A standard aviation training organisation certificate may be granted or renewed for a period of up to 5 years.
- (b) A restricted aviation training organisation certificate may be granted for the period required to conduct a single training course.
- (c) An aviation training organisation certificate remains in force until it expires or is suspended or revoked.
- (d) The holder of an aviation training organisation certificate that is revoked shall forthwith surrender the certificate to the Director.
- (e) The holder of an aviation training organisation certificate that is suspended shall forthwith produce the certificate to the Director for appropriate endorsement.

141.11 Renewal of certificate

- (a) An application for the renewal of a standard aviation training organisation certificate shall be made on form CAA 24141/01.
- (b) The application shall be submitted to the Director before the application renewal date specified in the certificate or, if no such date is specified, not less than 30 days before the certificate expires.

141.13 Safety inspections and audits

- (a) The Director may require in writing the holder of an aviation training organisation certificate to undergo or carry out such inspections and audits of the holder's facilities, documents and records as the Director considers necessary in the interests of civil aviation safety and security in accordance with section 15 of the Act.
- (b) The Director may require the holder of an aviation training organisation certificate to provide such information as the Director considers relevant to the inspection or audit.

141.15 Exemptions

The Director may exempt any person from any requirement in this Part following the procedures prescribed in Part 11 and in accordance with section 37 of the Act.

Subpart B— Standard Certification Requirements

141.51 Personnel requirements

(a) Each applicant for the grant of a standard aviation training organisation certificate shall engage, employ or contract:

- (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that all training courses and assessments conducted by the organisation can be financed and carried out in accordance with the requirements prescribed by this Part;
- (2) a senior person or group of senior persons who are responsible for ensuring that the applicant's organisation complies with the requirements of this Part. Such nominated person or persons shall be ultimately responsible to the Chief Executive;
- (3) sufficient personnel to plan, conduct, and supervise the training courses and assessments listed in the applicant's exposition.

(b) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel conducting the training courses and assessments listed in the applicant's exposition.

141.53 Facility requirements

Each applicant for the grant of a standard aviation training organisation certificate shall provide facilities and resources appropriate to the training courses and assessments listed in the applicant's exposition.

141.55 Documentation

(a) Each applicant for the grant of a standard aviation training organisation certificate shall hold current copies of all relevant technical standards and practices and any other documentation that is necessary for the provision of the training courses and assessments listed in the applicant's exposition.

(b) The applicant shall establish procedures to control the documentation required by paragraph (a). The procedures shall ensure—

- (1) all documentation is reviewed and authorised by appropriate personnel before issue; and
- (2) current issues of relevant documentation are available to personnel for the provision of training courses and assessments listed in their exposition; and
- (3) all obsolete documentation is promptly removed from all points of issue or use; and

- (4) changes to documentation are reviewed and approved by appropriate personnel.

141.57 Training courses and assessments

(a) Each applicant for the grant of a standard aviation training organisation certificate shall establish procedures for conducting the training courses and assessments listed in the applicant's exposition.

(b) The procedures shall ensure that—

- (1) training courses meet the applicable syllabus requirements of the Civil Aviation Rules; and
- (2) assessments meet the applicable syllabus requirements of the Civil Aviation Rules, and are conducted without any compromise of the integrity of the assessments; and
- (3) each person conducting aviation training or assessments that are required by Civil Aviation Rules to be conducted by an organisation certificated under this Part, has a combination of qualifications and experience greater than the level of qualification being taught or assessed.

141.59 Records

(a) Each applicant for the grant of a standard aviation training organisation certificate shall establish procedures to identify, collect, index, store, and maintain the records that are necessary for the training courses and assessments listed in the applicant's exposition.

(b) The procedures shall ensure that—

- (1) there is a record for each person who conducts training courses or assessments. The record shall include details of their experience, qualifications, training, and competence assessments; and
- (2) there is a record for each person being trained or assessed by the applicant's organisation. The record shall include details of enrolment, attendance, subjects, instructor comments, any flight or similar practical sessions, and any assessments; and
- (3) there is a record of each internal quality assurance review of the applicant's organisation carried out under the procedures required by 141.61; and
- (4) all records are legible; and
- (5) all records shall be retained for a period of at least 3 years from the date of the last entry made on that record.

141.61 Internal quality assurance

- (a) Each applicant for the grant of an aviation training organisation certificate shall establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.
- (b) The internal quality assurance system shall include—
- (1) a safety policy and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its customers; and
 - (2) a procedure to ensure quality indicators, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and
 - (3) a procedure for corrective action to ensure existing problems that have been identified within the system are corrected; and
 - (4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and
 - (5) an internal audit programme to audit the applicant's organisation for conformity with the procedures in its exposition and achievement of the goals set in its safety policy; and
 - (6) management review procedures, which shall include the use of statistical analysis, to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures shall ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure for corrective action shall specify how—
- (1) to correct an existing problem; and
 - (2) to follow up a corrective action to ensure the action is effective; and
 - (3) management will measure the effectiveness of any corrective action taken.
- (e) The procedure for preventive action shall specify how—
- (1) to correct a potential problem; and
 - (2) to follow up a preventive action to ensure the action is effective; and

- (3) to amend any procedure required by this Part as a result of a preventive action; and
 - (4) management will measure the effectiveness of any preventive action taken.
- (f) The internal quality audit programme shall—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
 - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
 - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
 - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
 - (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review shall—
- (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
 - (2) identify the responsible manager who shall review the quality assurance system; and
 - (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive on matters affecting safety.

141.63 Organisation exposition

- (a) An applicant for the grant of a standard aviation training organisation certificate shall provide the Director with an exposition which shall contain—
- (1) a statement signed by the Chief Executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—

- (i) define the organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) will be complied with at all times; and
 - (2) the titles and names of the senior person or persons required by 141.51 (a)(1) and (2); and
 - (3) the duties and responsibilities of the senior person or persons specified in paragraph (a)(2), including matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
 - (4) an organisation chart showing lines of responsibility of the senior persons specified in paragraph (a)(2); and
 - (5) a list of the training courses and assessments to be covered by the certificate; and
 - (6) the locations at which each training course or assessment will be conducted; and
 - (7) the course outline and the curriculum for each of the training courses and assessments to be conducted by the organisation; and
 - (8) details of the applicant's procedures required by—
 - (i) 141.51(c) regarding the competence of personnel; and
 - (ii) 141.55(b) regarding the control of documentation; and
 - (iii) 141.57(b) regarding training courses and assessments; and
 - (iv) 141.59(b) regarding records; and
 - (v) 141.61(b) regarding internal quality assurance.
 - (9) procedures to control, amend and distribute the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

Subpart C — Standard Operating Requirements

141.101 Continued compliance

Each holder of a standard aviation training organisation certificate shall—

- (1) hold at least one complete and current copy of their exposition at each major location specified in their exposition; and
- (2) comply with all procedures detailed in their exposition; and
- (3) make each applicable part of their exposition available to personnel who require those parts to carry out their duties; and
- (4) continue to meet the standards and comply with the requirements of Subpart B prescribed for certification under this Part; and
- (5) forthwith notify the Director of any change of address for service, telephone number or facsimile number required by form CAA 24141/01.

141.103 Changes to certificate holder's organisation

(a) Each holder of a standard aviation training organisation certificate shall ensure that their exposition is amended so as to remain a current description of the holder's organisation.

(b) The certificate holder shall ensure that any amendments made to the holder's exposition meet the applicable requirements of this Part and comply with the amendment procedures contained in the holder's exposition.

(c) The certificate holder shall provide the Director with a copy of each amendment to the holder's exposition as soon as practicable after its incorporation into the exposition.

(d) Where a certificate holder proposes to make a change to any of the following, prior notification to and acceptance by the Director is required:

- (1) the Chief Executive;
- (2) the listed senior persons;
- (3) the locations at which training courses or assessments may be carried out;
- (4) the training courses or assessments for which the certificate is granted.

(e) The Director may prescribe conditions under which a certificate holder may operate during or following any of the changes specified in paragraph (d).

- (f) A certificate holder shall comply with any conditions prescribed under paragraph (e).
- (g) Where any of the changes referred to in this rule require an amendment to the certificate, the certificate holder shall forward the certificate to the Director as soon as practicable.
- (h) The certificate holder shall make such amendments to the holder's exposition as the Director may consider necessary in the interests of aviation safety.

Subpart D – Restricted Aviation Training Organisation Certificate

141.151 Certification requirements

(a) Each applicant for the grant of a restricted aviation training organisation certificate shall—

- (1) engage, employ, or contract sufficient personnel to plan, conduct, and supervise the training course listed in the application; and
- (2) ensure that the personnel who are conducting the training course have a combination of qualifications and experience greater than the level of qualification being taught; and
- (3) have facilities and resources appropriate to the training course listed in the application; and
- (4) hold current copies of relevant technical standards and practices and any other documentation that is necessary for the provision of the training course listed in the application; and
- (5) have documented procedures for conducting the training course listed in the application.

(b) The applicant shall provide the Director with the details of their compliance with each of the requirements of paragraph (a).

141.153 Continued compliance

Each holder of a restricted aviation training organisation certificate shall continue to comply with the certification requirements in 141.151(a).

141.155 Records

(a) Each holder of a restricted aviation training organisation certificate shall identify, collect, index, store, and maintain the records that are necessary for the training course listed in the application for the certificate.

(b) The certificate holder shall ensure that—

- (1) there is a record for each person who conducts the training course. The record shall include details of their experience, qualifications, and training; and
- (2) there is a record for each person enrolled on the course. The record shall include details of enrolment, attendance, subjects and any flight operations covered in their training and instruction, any flight times, instructor comments, and the results of any assessments; and

- (3) all records are legible; and
- (4) all records shall be retained for a period of at least 3 years from the date of the last entry made on that record.

CONSULTATION DETAILS

*(This statement does not form part of the rules contained in Part 141.
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 Air Transport Division of the Ministry of Transport commenced a complete review and rewrite of all existing civil aviation legislation and where necessary initiated new legislation for the areas not previously covered.

Considerable research was carried out to determine the format for the new legislation. It was decided that the most suitable legislative framework should incorporate the advantages of the system being developed by the European Joint Aviation Authorities and published as Joint Aviation Requirements (JAR), and of the Federal Aviation Administration (FAA) of the United States of America. The JAR are structured in a manner similar to the FAA's Federal Aviation Regulations (FAR) and aim to achieve maximum harmonisation while allowing for national variations.

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

Accompanying each Part of the CAR will be at least one associated Advisory Circular (AC) which will expand, in an informative way, specific requirements of the CAR and describe an acceptable means of compliance. For example, an AC may contain the minimum acceptable practice or standard which would be necessary to meet a rule.

The CAR numbering system is based on the FAR system. As a general principle the subject matter of a Part will be the same or similar to the FAR although the title may differ to suit New Zealand terminology. Where a CAR does not readily equate with a FAR number code, a number has been selected that does not conflict with any existing FAR Part. The FAR has been used as the starting point for the development of many CAR but there are likely to be significant differences in the content of the rule.

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 maintain continuing regulatory control and supervision while providing the maximum flexibility for participants to develop their own means of compliance.

Section 7 of the Civil Aviation Act 1990 (the Act) provides for the requirement to hold an aviation document for carrying out particular civil aviation activities. Section 12 of the Act requires the holders of such documents to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Notice of Proposed Rule Making

To provide public notice of, and opportunity for comment on the proposed new rules, the Authority issued Notice of Proposed Rule Making 94-3 under Docket Number 1008 on 4 August 1994. This Notice proposed the introduction of Civil Aviation Rules Part 141 to establish the certification standards for organisations conducting training courses and assessments that are required by other Civil Aviation Rules to be conducted by the holder of a Part 141 certificate.

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 1008 NPRM

1. General comments on the NPRM

Thirty one submissions were made on the NPRM for Part 141 by organisations and individuals. These submissions contained a total of 308 comments on Part 141 and its associated Advisory Circular.

Air Nelson says "Whilst we are comfortable with the main text of the proposed rule, Appendix A Flight Examiner Requirements is of concern to us. We believe that the Flight Examiner requirements are not appropriate in the airline situation and we don't wish to see them transferred to the 121/135 operation."

Civil Aviation Authority reply is that the Flight Examiner requirements are being transferred to a proposed revision to Part 61 for further consultation.

Air New Zealand writes they "would have strong reservations should this part [141] place any impediment or additional costs or restrictions on its ability to conduct any training whatsoever on persons who are not company employees".

Civil Aviation Authority notes this comment as part of an overall view of the Rule system. However Part 141 places no restriction on training, only on the acceptability of certain specified training to meet specific rule requirements.

Air New Zealand Engineering Training Services “strongly objects to the current approved rule changes on three main grounds.” However “It is essential to both safety and the development of an internationally recognised training certificate that the general tone and theme of the NPRM is maintained. ... by addressing the three key objects it lists and the concerns stated a better more cost effective, flexible environment can be achieved.”

Civil Aviation Authority notes this comment and will answer the three points separately.

Air New Zealand Engineering Training Services says a stated Aim of the new rules is “To remove excessive costs of compliance from the New Zealand Civil Aviation System”. “Air New Zealand would submit that as a currently fully approved training organisation the imposition of compliance (especially the quality assurance function) will cause the cost of operation to increase.”

Civil Aviation Authority reply is that Part 141 is not an additional requirement but will replace the existing approval system with an audit system which should be less expensive than full inspection.

Air New Zealand Engineering Training Services also says a stated aim is “the granting of wider privileges”. However it says its present certificate has all the privileges stated in the new rule.

Civil Aviation Authority reply is that the stated aim is an overall industry aim. However even in this particular case there will be the increased privilege of conducting more auditing internally.

Air New Zealand Engineering Training Services says “The Swedavia - McGregor report set a new direction for Civil Aviation rule making and control. In that the authority was charged with setting the boundaries in which industry was accountable to operate. Air New Zealand would submit that the proposed NPRM goes into too much detail and should only specify the outcomes not details of how to comply.”

Civil Aviation Authority believes the new Rule does set the boundaries; and fleshes those boundaries out with appropriate detail.

Air New Zealand Engineering Training Services says “the proposal was obviously drafted using the part 145 rule as a basis. It seems that insufficient consideration has been given to the differences between a maintenance organisation and that of a training organisation.”

Civil Aviation Authority reply is that Part 141 certainly is based on the preceding organisational rules because Part 141 is one of that same group of rules. The core of 141 has to therefore be the same as that already developed for other organisations but it is then fleshed out for its specific purpose.

Airways Corporation of New Zealand Limited “wish to record that we are satisfied with the draft in its current form”.

Ansett New Zealand says “Having considered the contents of NPRM 94-3 we believe it to be a workable document”.

Associated Aviation says “There has been a major change from the draft part 141 to NPRM, in fact the NPRM bears no relation to the original draft. If there is such a substantial change in the whole concept of a rule it would be much better for it to be re-issued as a draft. I do not believe in the concept of having individual aviation training certificates. One of the major complaints about the current system of individual approvals is that Civil Aviation Authority could not adequately control this system. It appears that nothing has changed.” “Individuals should not be able to hold approvals for periods of up to two years. They could be issued with a one off temporary approval for special circumstances and required to hold a standard certificate if it is to be on going, ie: not several one off approvals. ”

Civil Aviation Authority has removed the individual aviation training certificate option and the privilege is being transferred to a proposed revision to Part 61 for further consultation. Changes to a draft are an integral consequence of the consultative process and would have to be particularly significant to justify another draft being issued. In this particular case the apparent major change is really just a transfer of part of the rule to a more appropriate Part for the consultation to continue.

Aviation Industry Association of NZ (Inc) and Massey University School of Aviation both say “The layout of the document is such that it tempts (and directs) the reader to refer forward to specific paragraphs and therefore the reader risks becoming lost in the document. It is suggested that there needs to be a more logical flow to the document. It is suggested an *introduction* be provided outlining the general requirements of the Rule without reference to specific clauses. Terms like “contained herein” should be used.”

Civil Aviation Authority notes this comment but the layout of the document conforms with others of its class.

Aviation Industry Association of NZ (Inc) and Massey University School of Aviation both say “As with the previous comments on NPRMs and drafts, the AC seems to needlessly repeat and expand little on the Rule. In order to reduce customer confusion/frustration it would be better to slightly expand the Rule and reduce the duplication keeping down the document total volume.”

Civil Aviation Authority reply is that the split between Rule and AC is not arbitrary but depends on the legal status of the information. It is also necessary to repeat enough of the Rule to provide a lead-in to the AC.

Aviation Industry Association (Helicopter Division) say "Clarification of the applicability of Rule 141 is perhaps the most important matter to be resolved before publication of the final Rule." The Division assumed the wider interpretation of the Rule's applicability for the purposes of their submission, and say some of their comments may therefore not be needed.

Civil Aviation Authority agrees that the applicability of Part 141 has not yet been fully understood. The Rule has been amended and an explanation added to the AC.

Aviation Services Limited "fully supports the CAA proposal to bring PPL flight testing under the 141 regime and have CAA "check the checkers". It makes a lot of sense and should in time show an improvement in flight standards."

Civil Aviation Authority reply is that this remains an option under Part 141 but will be addressed further through the consultation for a proposed revision to Part 61.

The Aviation, Tourism and Travel Training Organisation was complimentary about Part 141, made use of it in the first draft of their similar legislation, and continue to work closely with Civil Aviation Authority to ensure our respective organisational certification requirements correspond as closely as possible; and the meeting of double requirements is avoided as much as possible.

Bay of Islands Aero Club Inc asks "could not an Individual Certificate be extended to include testing privileges for PPL issue, Instructor Annual checks, and 'endorsement removal'? Civil Aviation Authority seem happy that an Individual Certificate will enable the testing pilot to conduct Reg 76 checks, and this is probably the area that has been most abused in the past. I feel that a current 'A' Cat Instructor should be able to maintain the testing privileges they currently hold. If they cannot then the cost of flight testing to Aero Club and Flying School members will increase greatly."

Civil Aviation Authority reply is that the Individual Certificate has now been removed from Part 141, partly because of the anomalies referred to, while the privileges referred to are being transferred to the consultation for a proposed revision to Part 61.

Bay of Islands Aero Club Inc says "It is important to smaller clubs such as ours that any proposed costs of certification are made available as soon as possible. It is also important for General Aviation that such costs are kept to a minimum, so that smaller clubs and schools that are able to offer high levels of training and testing are not excluded."

Civil Aviation Authority agrees with these points.

The Experimental Aircraft Association of Oshkosh “found no objections ... and believe the new rules should work out well”.

Flightline Aeronautical College Ltd say “The draft is a good start and we would suggest that if a consistent philosophy was conveyed through the document, and the other courses added, it will go a long way towards ensuring good training standards are fostered.”

Civil Aviation Authority reply is that Part 141 is only intended for activities that specifically require Civil Aviation Authority approval; and it is for other Rules to determine what these activities are.

Flightline Aeronautical College Ltd says “In our view the draft should also cover the Instrument Ratings, 200 hr CPL, Instructor Ratings and ground courses for same. These programmes require professional training systems and personnel. If these were included industry standards would rise and the accrued benefits for Part 141 operators would be significant.”

Civil Aviation Authority reply is that this is a matter for Industry to discuss during the consultation for a proposed revision to Part 61.

Flightline Aeronautical College Ltd say “As written the benefits to be gained as a 141 operator, for the costs involved in gaining 141 approval, are insignificant.”

Civil Aviation Authority reply is that Part 141 certification is not mandatory; and organisations are free to make the commercial decision as to whether or not to seek a Part 141 certificate.

Flightline Aeronautical College Ltd say “The flight testing privileges that have been granted in the Part do not reflect a need to further devolve flight testing to the industry. Industry has well qualified personnel who are able to conduct CPL issues, agriculture ratings, B category issues, multi-instructor ratings and ATPL issues. The Part needs to be expanded to allow this.”

Civil Aviation Authority reply is that Part 141 in itself does not grant these privileges and that this is another matter for Industry to discuss during the consultation for a proposed revision to Part 61.

Hawke's Bay & East Coast Aero Club says “Overall the document appears to be heading in the right direction. It is good to see Civil Aviation Authority upgrading this area of aviation. However there still seems to be a blurred line between Part 141 and ATO Training & Checking and the associated CASO 1 Section 8 requirements.”

Civil Aviation Authority reply is that CASO 1 Section 8 was taken account of during the drafting of Part 141. When Part 141 is implemented, and when it is fully supported by the revised Part 61, it will supersede CASO 1 Section 8.

Hawke's Bay & East Coast Aero Club says "The beginning of the document appears to need an improvement with the re-arrangement upper case for nouns and the inclusion of Appendix A & B in the main body of the document content."

Civil Aviation Authority reply is that the document is formatted and structured according to our legal advice; and that Appendix A & B are being transferred to the consultative process for a proposed revision to Part 61.

Hawke's Bay & East Coast Aero Club suggests "the removal of the word "current" whenever mentioned in the document, as there does not appear to be an aviation defined meaning and furthermore it creates an anomaly between aeroplane and helicopter."

Civil Aviation Authority reply is that this term no longer appears in this context in this Rule because of the transfer of material to a proposed revision to Part 61.

Helicopter Services BOP Ltd says "We wish to advise that the need to have a Part 141 approval or certificate to conduct competency or route checks is inappropriate. We believe there is a need to separate route and competency checks from Part 141. They should be the responsibility of the operator with details and minimum requirements in an advisory circular. A Part 141 certificate should be retained for flight training schools and organisations who wish to run shortened courses etc, and training up to ATPL. Part 141 should relate to training only as opposed to check and training required as part of competency checking. There is a difference between training and checking, likewise there is a difference between initial flight test for a licence, and route and competency checks once a pilot has a licence."

Civil Aviation Authority reply is that these problems do not apply to operators with an air operator certificate who have the competency checks included in their certification. However these checks will remain an option for an aviation training organisation, under conditions specified in the operational rules.

Helicopter Services BOP Ltd says "Before there is any change in direction in checking and training procedures from the present, a cost benefit analysis must be carried out. There is a line of thinking by some, that highly regulated and detailed checking and training is the remedy of all the industry problems. While acknowledging check and training is necessary and assists in maintaining standards, it is not going to be the panacea for industry woes. Pilots need to be aware and current in their piloting skills, highly regulated check and training will have no dramatic effect on accident statistics. To achieve a significant reduction in accidents we require a change in pilot attitude and company

supervision of pilots. This is not the role of checking and training, as checking and training does not go past the pilot when attitude and supervision stems from the company management."

Civil Aviation Authority reply is that these comments have been passed on to the authors of the operational rules as they are more appropriate to them than Part 141.

An aviation consultant says "The new Rule and AC 141 have been reviewed and they appear to be satisfactory, having incorporated most of the changes that were suggested".

Massey University School of Aviation says "Overall the document has some good ideas but there are also some limiting clauses relating to the employment of "C" instructors. In general the Part 141 rules change little from that published in the CA Pamphlet on "Requirements for Approved Flying Training Schools the document seems biased to flying training activities."

Civil Aviation Authority reply is that the document did originate from the CA Pamphlet but its scope has widened considerably. However the details referred to are being transferred to the consultation for Part 61.

Mount Cook Airline comments that the Economic Analysis discusses an individual restricted aviation training certificate to conduct competency assessments; but then states it is policy to restrict flight testing to organisations. "Is it Civil Aviation Authority policy to withdraw Subpart D for individuals even before it sees the light of life?" They continue "persons are most certainly capable of flight testing within certain constraints such as Civil Aviation Authority review".

Civil Aviation Authority accepts this point and is transferring the whole matter to the consultation for a proposed revision to Part 61.

Mount Cook Airline says that in the Economic Analysis and "throughout the document" the 5700kg/9 seats "break is illogical as 5700 kg aircraft have 20 seats while 9 seat aircraft relate to about 3000 kg."

Civil Aviation Authority reply is that this break had been properly considered and meets the needs of the CARs. However the whole matter is now being transferred to the consultation for a proposed revision to Part 61.

Nelson Aviation College Ltd said the NPRM was "generally good".

The New Zealand Air Line Pilots' Association says in their Summary of Submissions;

"1 It is NZALPA's prime submission that the Rule, as drafted, is fundamentally flawed.

"2 The Rule is vitally important to the future development and success of aviation in New Zealand, and to the international perception of the value of aviation qualifications here.

"3 In order to develop a system as envisioned in this Rule, a transition period is essential.

"4 Existing standards, ICAO Recommendations, Standards, Guidance Material, and professional accepted standards of technical instruction must form the parameters for minimum safety goals.

"5 The Civil Aviation Authority must accept responsibility for the failure to prescribe an adequate safety loop, and for all the downstream results of that failure.

"6 The Civil Aviation Authority must accept responsibility for the long term results of its promotion of the viability of the training organisation in preference to the promotion of safe training and safety generally within the training industry in New Zealand.

"7 This Rule ought not proceed to Final Rule status."

Civil Aviation Authority have considered these comments in drafting the final rule and believe they have been appropriately addressed. For example: in respect of 3, Civil Aviation Authority has specified the transitional arrangements in this document. Given the flexibility of the arrangements no transitional rule is required; and in respect of 4, Civil Aviation Authority agrees that existing standards, ICAO Recommendations, Standards, Guidance Material, and professional accepted standards of technical instruction must form the parameters for minimum safety goals.

New Zealand Qualifications Authority referring to their accreditation requirements and to those of the Civil Aviation Authority record "unanimous agreement that education providers should not be subjected to two separate processes and that it should be possible to combine the requirements of our two organisations ... we observed that the requirements of both organisations appear to match very closely."

Civil Aviation Authority reply is that we are working very closely with NZQA through the Aviation, Tourism and Travel Training Organisation (ATTTO) to ensure this objective.

The Open Polytechnic of New Zealand "endorses the establishment of certification standards of specified training courses and assessments as outlined in the document NPRM 94-3".

An individual says Aim (b) of the NPRM "will not happen because the implementation of the new rules are making it more difficult and costly for

compliance by participants”; points out in Aim (c) that the Australians have been raising an international barrier; and says of Aim (d)(iv) that “you are just making it more difficult and expensive for organisations and individuals to achieve and continue with what they are already successfully achieving.” and “Aviation safety will not be improved by any of this “aim” content.”

Civil Aviation Authority reply to (b) is that the economic analysis showed the overall benefits will exceed the costs; to (c) notes this comment; and to (d) believes Part 141 is in full conformity with the stated Aims.

The individual argues fully that “individual restricted aviation training certificates should not be restricted to those who will carry out operational competency assessments. These assessments, if properly conducted, are no different in depth to those conducted by currently approved Flight Examiners....”

Civil Aviation Authority reply is that the Individual Certificate has now been removed from Part 141, partly because of the point raised, while the privileges referred to are being transferred to the consultation for a proposed revision to Part 61.

The individual argues fully that the “idea of removing the requirement for any form of aerobatic rating would be ridiculously dangerous in the extreme.”

Civil Aviation Authority reply is that the example given was not a removal, but a proposed change from an “approval” to a requirement to comply with published standards. The detail of this will be addressed during the consultation for a proposed revision to Part 61 in full cooperation with the aerobatic pilots’ representatives.

The individual concludes a long submission “I’ve thought about all this for a long time and its taken me four hours to put it on paper. My time too, not paid for it by my company. I can only hope that more notice is taken of this submission than any of my previous efforts. It seems that the consultation process is just a means of having qualified interested parties let off steam and think they are having some effect. Believe me, you’ve developed more cynics than converts in the places that matter, but yet again I guess this is just so much more water off duck’s backs.”

Civil Aviation Authority is grateful for all the effort put in by industry organisations and individuals towards developing these Rules. We do consider every comment. This summary shows that we action comments. However this summary also shows that comments can clash and we cannot automatically action every comment.

Another individual says “overall it appears a reasonably well balanced document”.

Specific comments on the NPRM

Specific comments received from the submissions are discussed as follows:
(Note the numbers refer to the NPRM numbering)

141.1 Applicability

Air New Zealand Engineering Training Services said that although the NPRM had a number of layers of introductions and explanations, it did not make clear who 141 is for, nor what benefits 141 offers.

Civil Aviation Authority accepts this comment and the drafting of the final rule has addressed the matter.

Air New Zealand Engineering Training Services says "The proposal as defined mixes the approval of organisations and that of individuals under the one rule. Air New Zealand would submit that 141 should be as for 145 solely for approved organisations and individual approvals would be better defined in the proposed part 65."

Civil Aviation Authority accepts this comment and the drafting of the final rule has addressed the matter by removing the individual certificate option.

Air Safaris and Services (New Zealand) Ltd comments on their "confusion as to who exactly Part 141 applies to" and whether it applies to "Air Transport, in house training organisations like ourselves".

Civil Aviation Authority reply is that other legislation such as the revised Part 61 will say whether certain training is required to be conducted by certificated organisations. Where there is this requirement, the organisation could be certificated under Part 141 or, in the case of air transport operations, under their operational certificates. In all cases the required standards would be the same.

Aviation Industry Association of NZ (Inc) and Massey University School of Aviation suggest "that if the pre-amble to the NPRM were to be included in the Final Rule, then the syntax of the pre-amble summary requires re-wording to clarify the purpose and structures to be set up by CAR Part 141. Specific certificates should be annotated as proper nouns."

Civil Aviation Authority reply is that the preamble to the NPRM is not part of the final rule. The references to specific certificates conform to the Civil Aviation Authority format.

International Transchem Management says they are "unable to see the reason why you have made a distinction, when it comes to a Restricted aviation training certificate, between having a individual certificate and a one off or why you call it a temporary certificate. I think there should be just a Restricted

aviation training certificate, if the approval was just for a one off, then this fact could be clearly noted on the certificate.”

Civil Aviation Authority reply is that these two variations had been developed separately to meet different needs but that the privileges of the individual certificate are now being transferred to the consultation for a proposed revision to Part 61.

International Transchem Management says that in the flow chart the individual and one off restricted certificates should be combined as too should the examples.

Civil Aviation Authority reply is that the detail of both the examples clearly showed the different purposes of these two certificates; but that the privileges of the individual certificate are now being transferred to the consultation for a proposed revision to Part 61.

International Transchem Management asks that throughout the document, any reference to one off, individual or temporary, be deleted.

Civil Aviation Authority reply is that the privileges of the individual certificate are now being transferred to the consultation for a proposed revision to Part 61 so it will no longer be referred to; but the need for a one-off temporary certificate remains.

Kellaway Associates New Zealand says “Part 141 needs to be written in a way that acknowledges there are three kinds of aviation training courses: (a) voluntary training courses which allow a reduction in the experience requirement.... (b) voluntary training courses which do not allow a reduction in the experience requirement.... (c) compulsory training courses”.

Civil Aviation Authority agrees that training courses could be described in this way but the purpose of Part 141 is to provide the mechanism for those courses which are required under other rule parts to be conducted by a certificated organisation.

An aviation consultant says “The only aspect of the proposal that I now have trouble with is that which allows for a Restricted Certificate to be issued either as a “one-off” for short periods or to an individual for a period of two years. It seems that the Authority is “caving in” to a few vocal individuals who wish to see the current system largely perpetuated.”

Civil Aviation Authority reply is that the individual certificate has been removed and the privileges of that certificate are now being transferred to the consultation for a proposed revision to Part 61. The restricted certificate has been retained for the one-off training course.

The aviation consultant proposes "that all courses and Competency Checks be conducted under the umbrella of an organisation that is certificated under Part 141. You will find the monitoring of standards and the overall safety standards will be enhanced by this course of action. The opportunity for improving New Zealand's safety record, particularly for helicopters lies in changing the culture of the pilots and working on raising their awareness of the human factor in aviation accidents. This will not be done by individuals whose only interest is in meeting the minimum requirements in a check that covers only aircraft handling. The Authority owes it to those professional Checking and Training organisations that have made the effort to develop systems to comply with Reg 191, CASO 1 Part 8, and now Part 141 to remain firm and not open up the loopholes allowing the low (accident prone) end of the industry to carry on as they have done for years with no continuous training programmes and only cursory checking once a year. It is time to tighten the requirements in New Zealand (in helicopters and light aeroplanes under 5700kg) not to relax them."

Civil Aviation Authority reply is that Part 141 does not itself determine which courses are offered under it. These are determined by other Rules such as Part 61.

Massey University School of Aviation says "With each type of certificate there are both common and specific requirements. For clarity it would be better to group the common requirements under one heading and the specific or additional requirements under each certificate heading."

Civil Aviation Authority reply is that the layout was chosen on legal advice but that the removal of the individual certificate from Part 141 will address this point.

Massey University School of Aviation suggests "a general description of each certificate holders privilege/s be given in the introduction. This would allow applicants to identify their requirement/s early rather than having to read the whole document before that determination can be made."

Civil Aviation Authority notes this comment.

The New Zealand Air Line Pilots' Association "continues to have concerns over the apparent move from the concept of individual approval and recognition in relation to the conducting of aviation instruction."

Civil Aviation Authority reply is that no such change is being made in regard to aviation instruction.

The New Zealand Air Line Pilots' Association "submits that the person instructing in the class room or aircraft ought be recognised for these skills by acknowledgment through the approval system."

Civil Aviation Authority reply is that the person instructing in the aircraft has, and requires, instructor ratings under Part 61. For class room instruction, the permutations are so vast that any similar form of recognition would be very difficult.

The New Zealand Air Line Pilots' Association "recommends the Civil Aviation Authority rename the three proposed certificates to better reflect their job description and purpose.

- (1) Individual Aviation Certificate (All Training Personnel)
- (2) Specialist Aviation Certificate (One-off Courses)
- (3) Company Aviation Certificate (The Organisation)

Weight restrictions ought also be removed."

Civil Aviation Authority reply is that the transfer of the individual option out of Part 141 has removed the need to consider renaming the two remaining certificates.

The New Zealand Air Line Pilots' Association says "Training Organisations ought to be required to meet specified standards in the provision of aviation training courses."

Civil Aviation Authority reply is that this is addressed through a combination of Part 141 requirements for certain courses, the overall Part 61 requirements, the assessment systems, and market forces.

North Shore Helicopters "still have some doubts as to whether the new system will maintain the standards we should all have. Safety Certification Group audits lean heavily on the side of documentation administration management systems, and in my opinion very thinly at times on monitoring practical flying standards and objectives. These days with the sophistication of computers it is not hard to put a simple system on a computer which will tick off all the answers, but in fact the practical side has not been done. I think it is critical that the (Civil Aviation Authority aviation safety monitoring) system be in place before promulgation of the rule, and that the industry and instructors have some input into how this system will work."

Civil Aviation Authority reply is that this point has been recorded and drawn to the attention of the auditors concerned.

An individual says "Generally the document appears to be heading in a workable direction".

141.3 Definitions

Aviation Industry Association of NZ (Inc) and Massey University School of Aviation say "The NPRM Definitions states that certain "training and assessments" are required by the CARs. Where can these specifics be located? Should these not be prescribed in CAR Part 141?"

Civil Aviation Authority reply is that Part 141 merely provides a mechanism to meet the requirements of other Rule Parts. To assist readers, a list of training courses and assessments that presently need to be conducted by a certificated organisation is given in the AC. This list cannot be prescribed in Part 141 because it is not for 141 to insist other rules make use of it. It would also be difficult to keep updating this detail in this Rule to keep in step with all the other rules as they are developed or amended.

Aviation Industry Association of NZ (Inc) and Heliflight Wairarapa Ltd say "If certificated aviation training and assessments are those required by CAR to be conducted under Part 141 surely those required should be listed in the rule not the AC"

Civil Aviation Authority reply is that these are liable to change by other legislation and cannot therefore be specifically listed in Part 141. The more easily amendable AC is therefore the appropriate place to put them, especially as 141 does not have the authority to require them.

Heliflight Wairarapa Ltd asks "What happened to the earlier definitions eg. integrated course?"

Civil Aviation Authority reply is that with the restructure of Part 141 the definitions are no longer required.

141.5 Requirement for Certificate

Aviation Industry Association of NZ (Inc) and Heliflight Wairarapa Ltd say 141.5 "seems to be the other half of a loop formed by 141.3. What are the certificated aviation training or assessments required under Part 141?"

Civil Aviation Authority reply is that the requirement for the certificate has been redrafted.

141.7 Application for Certificate

Aviation Industry Association (Helicopter Division) suggest the AC contains copies of relevant Civil Aviation Authority Forms.

Civil Aviation Authority accepts this point, provided the forms are available when the AC is published.

The New Zealand Air Line Pilots' Association says "Given section 8 of the Act, as amended, this issue is more appropriately dealt with by Advisory Circular - Civil Aviation Authority Form identification numbers do not belong in a Rule."

Civil Aviation Authority reply is that the Rule prescribes the form of the application and that the form identity number is part of the Rule.

141.9 Issue of Certificate

International Transchem Management asks "what is a fit and proper person, who decides and is there any appeal and to whom against any subjective decision? What is the criteria for such statement?"

Civil Aviation Authority reply is that the Act prescribes the criteria for the fit and proper person test and the rights of persons affected by adverse decisions.

Mount Cook Airline says this needs the words that "The certificate will not be unreasonably withheld by the Director".

Civil Aviation Authority reply is that these words are not required as the criteria for the grant or renewal of an aviation document are prescribed in the Act.

The New Zealand Air Line Pilots' Association says that the requirement to be a fit and proper person does not say if this is as stipulated in the Act; that if it is it should not be repeated in the Rule; and that if it isn't then the rule does not specify what is required.

Civil Aviation Authority reply is that the requirement is as stipulated in the Act, and this in no way inhibits its use in the Rules.

North Shore Helicopters asks "what basis will be used to decide if the people are fit and proper people and what checks will be in place if an inferior person takes over the specific operation?"

Civil Aviation Authority reply is that the criteria for fit and proper persons are prescribed in the Act. The second point is covered by 141.103(d) - changes to a certificate holder's organisation senior persons.

141.13 Display of Certificate

Aviation Industry Association (Helicopter Division) say "The information contained in an aviation certificate would be of little benefit to the general public - and its display, or non-display, has no relevance to its production to the Director upon request. The display requirement is considered to be unnecessary."

An individual says it would be unreasonable for him to display a certificate at his front gate or for a club in a restricted area to display a certificate to the public.

Mount Cook Airline says "This is a stupid requirement particularly where the holder has several locations of operation." and "The Director issues it anyway so why even require it to be produced?"

Civil Aviation Authority reply is to the above three comments is that the requirement has now been removed from this and similar type rules.

141.15 Duration of Certificate

Aviation Industry Association of NZ (Inc) says "The duration of the certificate should be for a minimum of 12 months, and then five years - otherwise how can an organisation plan ahead if they are unsure from year to year whether they will be able to continue. Specific grounds for suspension of a certificate should be spelt out and the Civil Aviation Authority made to state the reasons for revoking any certificate."

Aviation Industry Association (Helicopter Division) make a full argument that provisions of the Act already "ensure that no aviation document is, in effect, non terminating." They continue " Use of the phrase "for a period up to" is incompatible with the aim of setting clear, firm and fair standards which will be universally applied and understood. The phrase, and the concept of a "degree of entitlement", should therefore be discarded. If it is intended that an aviation certificate shall be issued for an initial, limiting period, the length of that initial period (and the reason for, and conditions of, its imposition) should be incorporated in the final Rule."

Flightline Aeronautical College Ltd say "The Part must compel the Authority to state the reasons for any decision to revoke or suspend an ATO certificate."

Hawke's Bay & East Coast Aero Club believes "a 12 month initial certification is more appropriate than 6 months for this type of activity. Thereafter every 5 years."

Heliflight Wairarapa Ltd say "The duration of the certificate should be for a minimum of five years (after all a temporary certificate can be obtained for two years) - otherwise how can an organisation plan ahead if they are unsure from year to year whether they will be able to continue."

Heliflight Wairarapa Ltd say "Specific grounds for suspension of a certificate should be spelt out."

Heliflight Wairarapa Ltd say that the Civil Aviation Authority should be made to state the reasons for revoking any certificate.

International Transchem Management asks that the temporary certificate be changed to "A restricted training certificate may be granted for a period up to 2 years to conduct training courses(s) and or assessment(s)."

Mount Cook Airline says "As the holder is subject to audit by the Civil Aviation Authority renewal is a revenue gathering exercise with no purpose. The certificate should be non terminating as the Director has the power to withdraw it anyway."

Civil Aviation Authority reply to the above 9 submissions is that terminating certificates are part of the life cycle system recommended by the Swedavia - McGregor Report which also considered that after 5 years change is probable; and re-entry gives the organisation an opportunity to properly review its activities and the Civil Aviation Authority an opportunity to carry out an in-depth review. The Act prescribes criteria for the suspension and revocation of aviation documents.

141.17 Renewal of Certificate

Aviation Industry Association (Helicopter Division) argue that they do not accept "that, after a period of five years, the holder of a standard aviation certificate should be subjected to an "entry level" audit."

Civil Aviation Authority reply is that this is in conformity with the recommendation of the Swedavia - McGregor Report recommendation as previously explained.

The New Zealand Air Line Pilots' Association says "Being information relating to the Civil Aviation Authority identification number of a form, this provision belongs in an Advisory Circular (S8 of the Act refers)".

Civil Aviation Authority reply is again that the Rule prescribes the form of the application and that the form identity number is part of the Rule.

141.19 Safety Inspections and Audits

Aviation Industry Association of NZ (Inc), Hawke's Bay & East Coast Aero Club and Heliflight Wairarapa Ltd say "Holders should have the right to reject any auditor for genuine reasons" - eg when it is seen that they are working for another organisation.

Civil Aviation Authority reply is that auditors work for the Civil Aviation Authority and will be selected for particular audits on the basis of their technical knowledge.

Aviation Industry Association (Helicopter Division) say "The requirement for an entry level audit to be conducted after five years is, effectively, a statement that the Civil Aviation Authority inspection and audit programme will not achieve its stated objective."

Civil Aviation Authority reply is that this will achieve the stated objective of complying with the Swedavia - McGregor life cycle principle.

Flightline Aeronautical College Ltd say "As drafted safety inspections can be conducted at any time. This provides the Authority with an uncontrolled ability to conduct inspections at will and perceived by the industry as a revenue gathering exercise. We do not deny the Authority's right to conduct safety inspections, however they should not take place more than once a year."

Civil Aviation Authority reply is that the frequency of audit will depend primarily upon the need to audit any particular organisation. "Triggers" may suggest inspection is necessary.

The New Zealand Air Line Pilots' Association says "The Association continues to have concerns that no mechanism appears to exist to ensure inspections or audits of training organisations are not and cannot be carried out by any person who has employment, financial, or operational, interests in that training organisation."

Civil Aviation Authority reply is that its policy is that inspection and audit by Civil Aviation Authority staff, as distinct from internal audits, are carried out by persons without any conflicting interest.

141.21 Exemptions

Aviation Industry Association of NZ (Inc) says "This is far too broad as it appears to defeat the purpose of Part 141 if any requirement can be exempted by the Director. It was agreed the power of exemption should not wholly be the Directors. It was agreed that a greater form of consultation was required for this process."

Hawke's Bay & East Coast Aero Club says "This needs clarification of how this exemption is envisaged to be implemented. I am concerned how widely the exemption could be interpreted. Perhaps there should be an Exemption Consultancy group."

Heliflight Wairarapa Ltd say "This is far too broad as it appears to defeat the purpose of Part 141 if any requirement can be exempted by the Director."

Civil Aviation Authority reply to the above three comments is that the circumstances for granting exemptions are prescribed in the Act.

International Transchem Management explains that as a one-person organisation, a Standard Certificate would not apply to them, nor would a one off, and the requirements of the Individual Certificate "would be crippling financially" and asks that a case for exemption be made for such organisations. They also ask for "provision to take into consideration approval by third party organisations (such as) IATA."

Civil Aviation Authority reply is that planning an exemption during the production of a Rule is inappropriate. However the recognition of equivalent means of satisfying requirements is already Civil Aviation Authority policy.

141.51 Personnel Requirements

Air Safaris and Services (New Zealand) Ltd are concerned about the requirement that each person training or assessing students has a combination of qualifications and experience greater than the level of qualification being taught or assessed. "While this seems to be stating the obvious it also seems a very vague measure".

Civil Aviation Authority reply is that this is actually a carefully considered and worded general requirement. The permutations of qualifications and experience that would be acceptable for all the different training and assessment offered under Part 141 are just too many to list definitively; and it would limit the flexibility being offered. However these are listed specifically for areas where there are no alternatives to the flight instructor ratings and where the experience requirements are well established. They could also be developed with industry in specific areas.

Aviation Industry Association of NZ (Inc) and Heliflight Wairarapa Ltd ask why the Chief Executive needs to be acceptable to the Director? "Companies need a CE acceptable to their requirements which may not always be simply restricted to Civil Aviation Authority requirements."

Flightline Aeronautical College Ltd say "We do not agree that the Chief Executive must be approved by the Civil Aviation Authority. Responsibility of this position rests solely with the organisation and it must be recognised by the Civil Aviation Authority that the chief Executive will run the business within the constraints imposed by his Board and applicable commercial, aviation, and industrial laws. The Civil Aviation Authority has no qualifications upon which to judge a Chief Executives suitability and it should not be encouraged or empowered to do so."

The New Zealand Air Line Pilots' Association says (a)(2) "ought be amended to make specific reference, rather than using the phrase "acceptable to the Director", to section 9 of the Act which is the source of the requirements."

Civil Aviation Authority reply to the above three comments is that the expression "acceptable to the Director" has now been deleted as it is adequately covered by the fit and proper person requirement.

Aviation Industry Association (Helicopter Division) say "Who crowns the king? The requirement that a student can only be trained and assessed by a person holding "a combination of qualifications and experience greater than the level of qualification being taught or assessed" is quite impractical - who can test for

ATPL for instance? Even if the phrase "not less than" is substituted for "greater than", the concept may still be untenable where an organisation employs a competent, qualified relatively inexperienced instructor. It is recommended that "not less than" is substituted for "greater than" and that all reference to experience is deleted."

Civil Aviation Authority reply is that ATPL flight testing does not come under Part 141. For those functions which do come under Part 141 the package "greater than" remains correct. The crediting of experience in that package is an option, not a requirement, and gives a necessary flexibility.

Bay of Islands Aero Club asks "Is there a possibility for a person to be included in the exposition of more than one organisation at once? For smaller clubs and schools this could be advantageous, and would not alter standards."

Civil Aviation Authority reply is that provided all the responsibilities of each position are met, this would be allowed.

Hawke's Bay & East Coast Aero Club asks "How do you assess weighting between "qualifications" and "experiences"? eg a PPL qualification plus lots of experience, vis-a-vis an ATPL qualification and little experience."

Civil Aviation Authority reply is that this would have to be seen in context; and examples considered would have to be examples that actually required a 141 certificate. However the concept is that a lot of the one quality could compensate for less of the other.

Hawke's Bay & East Coast Aero Club suggests in 141.51(b) "replace the word 'greater' with 'not less than'. How can you have a greater Instructor qualification than the "A" Cat Instructor?"

Civil Aviation Authority reply is that there are certainly higher instructing qualifications, although not for flight training. However "A" cat training and assessment does not require a Part 141 certificate so this sort of situation does not arise.

International Transchem Management says the requirement of (a)(3) for sufficient personnel should be changed to "sufficiently qualified personnel ... "

Civil Aviation Authority reply is that (b) covers qualifications and that (a)((3) is about the number of personnel.

The New Zealand Air Line Pilots' Association says (a)(1) "ought specify both the Chief Executive Officer and the Principal Partner or Director as being the persons who jointly ought be responsible for ensuring the compliance of the organisation with Part 141. This Rule ought also be amended to require the persons holding authority to ensure the activities of the organisation can be financed and ARE carried out in accordance with the prescribed requirements."

Civil Aviation Authority considers the nominated Chief Executive is the person responsible for ensuring compliance with the rule requirements and therefore the organisation must ensure that the person they nominate has the necessary responsibility and authority.

Massey University School of Aviation says "Persons providing training and or assessment of students in an aviation training organisation should be competent to teach and or assess to a specific level. That competency will usually equate to a qualification equal to or greater than the level of qualification to be obtained in the teaching or assessing process. Experience is an anecdotal measure that does not necessarily equate to competency. Because of the need to describe competency in objective terms is difficult, it may be easier to change this clause and put the onus on the certificate holder to justify the employment of individual/s."

Civil Aviation Authority agrees with most of this comment and notes the onus is on the certificate holder. However Civil Aviation Authority still needs to define a standard and believes that the chosen wording does this satisfactorily.

Mount Cook Airline says "This Rule can be impossible to comply with. For instance who can issue a ATPL or Category A instructor rating as these are the top level. It should state that the person training or assessing holds a qualification equal to the level of qualification being taught or assessed. Let's not print nonsense."

Civil Aviation Authority reply is that this comment is irrelevant as neither the ATPL nor any instructor rating comes under this Part 141.

Mount Cook Airline says in regard to the Chief Executive "Delete "financial authority" as it has no place within the Rules which require "compliance with Rules". It "is sufficient without the reference to financial authority which is a business decision only not regulatory control."

Civil Aviation Authority say the rule does not now refer to "financial authority" as such but does require the Chief Executive to have the authority to ensure that the activities of the organisation can be financed and carried out to meet the requirements of the rules.

Mount Cook Airline says, in regard to "[This requirement had its origins in CAR Part 143 Ground Instructors, which has now been absorbed into Part 141]", "The bracketed comments are interesting. Has there been a NPRM for CAR Part 143 Ground Instructors? If not the reference is misleading giving authority to a nonsense requirement".

Civil Aviation Authority reply is that we originally had a proposed Part 143, based on the FAR 143. However it was realised this was not appropriate to the New Zealand system. The ground instructor requirements of Part 141 are our

equivalent and the bracketed comment was merely for explanation. This explanation will not appear in the final draft.

New Zealand Qualifications Authority says an “underpinning policy is that teaching staff must have an appropriate mix of qualifications and experience. Where a set of formal qualifications exist teaching staff must have a qualification at least one in advance of the one they are teaching. The matter of experience is not so clear cut, however any experience must be relevant to the programme being offered. As an example - a tutor could claim 10 years experience, we would want to be sure that that is in fact the case and it was not, say, 1 years experience 10 times.”

Civil Aviation Authority is pleased to note that NZQA had independently developed criteria for persons training and assessing, that are the same as those of CAA.

Wakatipu Aero Club Inc. says “One assumes the Chief Executive position filled by annual election of members is acceptable to the Director ie the office, not the person.”

Civil Aviation Authority reply is that 141.63(a)(2) requires both the title of the office and the name of the person. Rule 141.103 then includes the mechanism for a change of the Chief Executive.

141.53 Facility Requirements

Aviation Industry Association of NZ (Inc) says “Details on facility requirements should be placed in the Advisory Circular”.

Civil Aviation Authority reply is that they are already in the AC.

Aviation Industry Association of NZ (Inc) says “With each type of certificate there are both common and specific requirements. For clarity it would be better to group the common requirements under one heading and the specific or additional requirements under each certificate heading.”

Hawke’s Bay & East Coast Aero Club say “It may be more appropriate to group common and additional facility requirements together in the AC.”

Civil Aviation Authority notes the above two comments but now there are only two certificates have retained the specific requirements under each of those certificates.

Aviation Industry Association (Helicopter Division) say “If it is intended that the standards set out here are to be universally applied, however, many of the required facilities give insufficient consideration to the cost which would have to be borne by operators conducting incidental (not full-time) training.”

Civil Aviation Authority reply is that Part 141 is intended for training organisations, not other organisations which may conduct training as a part of their normal operations. It is also only intended for specified training and not training in general.

Massey University School of Aviation asks "What are "appropriate" facilities and resources? Perhaps the amplification at the Advisory Circular 141.53.1 should be brought forward?"

Civil Aviation Authority reply is that throughout all the CARs a balance is needed between allowing flexibility and defining specific standards. This is achieved by stating the minimum requirement in the Rules and expanding the detail and means of compliance in the AC.

141.59 Records

Air New Zealand Engineering Training Services says (b)(3) and (6) "does not seem to take into account the privacy legislation. Individuals have the right to retain their own records. Air New Zealand would submit that this being the case the Civil Aviation Authority act should define record keeping requirements to offset the privacy act."

Civil Aviation Authority reply is that these provisions are there for the benefit of students so the procedures to ensure these could easily include seeking student permission to keep these records.

Air New Zealand Engineering Training Services asks "what is the definition of "Period of Instruction"".

Civil Aviation Authority removed this expression with the restructuring of these requirements..

Aviation Industry Association of NZ (Inc) and Heliflight Wairarapa Ltd asks "Why keep records for three years? This could now be a problem under the latest privacy act. One year should be sufficient."

Civil Aviation Authority reply is that records assist in evaluating and auditing organisations. Many of the records required under Part 141 refer to training and assessment that people may wish to confirm later. There is even a case for requiring these records to be kept for as long as the organisations may wish to refer back to them - although market forces might already control this. In terms of the Privacy Act information shall not be retained for longer than is required for the purposes for which the information may lawfully be used. Where Civil Aviation rules state a time period, this constitutes a period of time "for which the information may lawfully be used".

The New Zealand Air Line Pilots' Association says "There being no reference to or definition of the word "attitude", and no apparent requirement that

“attitude” is to be taught at any stage of training, it is submitted that the word “attitude” be deleted. In the absence of any training requirement, and of any objective benchmark against which such can be assessed, the assessment of “attitude” becomes subjective and therefore inappropriate.”

Civil Aviation Authority has deleted this term.

Ansett New Zealand believes the record of instructor comments after each period of instruction in sufficient detail to identify student performance in attitude and skill “to be pertinent only when a period of practical training is involved, eg a flying or workshop exercise To comment on student performance in terms of attitude and skill after each period of theoretical classroom instruction would become onerous, unacceptably time consuming and difficult to comply with.” Ansett suggests this requirement only apply to “practical” instruction.

Civil Aviation Authority agrees this requirement is only relevant after each period of instruction when that instruction is practical, but believes the overall requirement is still relevant, and that both situations have been met by altering the words.

Wakatipu Aero Club Inc. says of (3) and (4) “Are we saying that a logbook is an inadequate record or that there should be additional logbook entries by instructors in detail. We are in danger of getting more paperwork than practical flying in this industry.”

Civil Aviation Authority reply is that the logbook is the person’s individual record. The records required by 141.59 are for the organisation; only apply to organisations seeking certification under this Part; and are necessary to allow the audit that is necessary for such recognition.

141.61 Internal Quality Assurance

Air New Zealand Engineering Training Services says “Quality Assurance should be a simple statement “An approved organisation must have a quality assurance process and system acceptable to the Director which ensures compliance to the required standard””. It also says that the Economic analysis “admits there is a cost impact of internal quality assurance system but states that these will be offset by improvements in internal safety and streamlined administration cost savings. Air New Zealand would submit that savings may be apparent for the Authority but the organisations cost will rise. Is the Authority telling the New Zealand aviation training community via the demanding of compliance, that its current operation is unsafe.”

Civil Aviation Authority reply is that internal quality assurance procedures are an essential element of the certificated organisations which are an integral part

of the new regulatory approach to aviation - entry control, on-going surveillance (auditing), and exit control.

Aviation Services Limited recommends "that organisations be required to state their quality policy, quality goals and quality objectives so that their exposition and ongoing performance may be assessed against what they have said they will achieve at entry."

Civil Aviation Authority response is that ongoing performance of the certificated organisation is assessed against the organisation's exposition and documented procedures.

The New Zealand Air Line Pilots' Association questions the reliance on systems of quality assurance. "If the regulatory body takes several years to develop and implement their system, how can the industry achieve the same overnight?"

Civil Aviation Authority reply is that quality assurance procedures are an essential element for any organisation certificated under the Civil Aviation Rules.

The New Zealand Air Line Pilots' Association says "Quality assurance systems are not incompatible with a direct regulatory environment. TQM strategies are not a substitute for the Director's responsibility to further "the interests of civil aviation safety and security"."

Civil Aviation Authority agrees. The Director is responsible for controlling entry into the system, ongoing monitoring, and exit control.

The New Zealand Air Line Pilots' Association says "Quality systems do not provide for minimum standards. This omission also constitutes a failure to recognise the standards and guidelines of the relevant ICAO annex and guidance material."

Civil Aviation Authority reply is that Part 141 is an organisational rule which does provide for the standards of the organisation. The appropriate standards for the training courses and assessments themselves will be found in other Rules.

Helicopter Services BOP Ltd says of the need to have a Quality Assurance Program "I would question the benefit of this for Reg 76 checks, as these checks are part of the operators quality assurance program. Are we expected to have a QA program for the QA program?"

Civil Aviation Authority reply is that the quality assurance requirements of Part 141 are intended for the organisation itself and not for the specific training courses and assessments which it is conducting to meet the requirements of other Rules.

141.63 Organisation Exposition

International Transchem Management says (a)(2) requiring the titles and names of senior persons, should include the personnel of 141.51(a)(3).

Civil Aviation Authority reply is the exposition only requires the senior staff, who have responsibility for controlling the organisation's activities, to be named; and the organisation then employs staff in conformance with 141.51(a)(3), but without having to name them.

Mount Cook Airline says "Nobody can state that the exposition "will be complied with at all times" as obviously with human frailties there will be non compliances. The Chief Executive can require compliance from staff and deal with non compliances as necessary. The statement as required by the Rule is a nonsense."

Civil Aviation Authority notes this point but believes the present words are a necessary commitment of intent.

Mount Cook Airline says "Add - The Directors approval will not be unreasonably withheld."

Civil Aviation Authority reply is that Part 141 contains requirements for training organisations not for the CAA.

The New Zealand Air Line Pilots' Association says (b) "ought include the procedures by which the Director approves persons engaged by the training organisation."

Civil Aviation Authority reply is that only the senior persons require acceptance by the Director, and Part 141 is a Rule for training organisations not for the CAA.

141.151 Certification Requirements

Aviation Industry Association (Helicopter Division) say "Who crowns the king? The requirement that a student can only be trained and assessed by a person holding "a combination of qualifications and experience greater than the level of qualification being taught or assessed" is quite impractical - who can test for ATPL for instance? Even if the phrase "not less than" is substituted for "greater than", the concept may still be untenable where an organisation employs a competent, qualified relatively inexperienced instructor. It is recommended that "not less than" is substituted for "greater than" and that all reference to experience is deleted."

Civil Aviation Authority reply is that ATPL flight testing does not come under Part 141. For those functions which do come under Part 141 the package

"greater than" remains correct. The crediting of experience in that package is an option, not a requirement, and gives a necessary flexibility.

E.D. Smart asks that applicants for an individual restricted training certificate be allowed to meet the requirements of Appendix A or B; and not just B.

Civil Aviation Authority reply is that the requirements of the individual training certificate are being transferred to a proposed revision of Part 61 for further consultation.

Hawke's Bay & East Coast Aero Club suggests in 141.151(a)(2) "replace the word 'greater' with 'not less than'. How can you have a greater Instructor qualification than the "A" Cat Instructor.?"

Civil Aviation Authority reply is that there are certainly higher instructing qualifications, although not for flight training. However "A" cat training and assessment does not require a Part 141 certificate so this sort of situation does not arise.

International Transchem Management asks that the temporary and individual restricted certificates be combined.

Civil Aviation Authority reply is that the individual privileges are now being transferred to a proposed revision of Part 61 so only the temporary restricted certificate now remains.

141.157 Privileges of Certificate Holder

Aviation Industry Association of NZ (Inc) suggests "a general description of each certificate holders privilege/s be given in the introduction. This would allow applicants to identify their requirement/s early rather than requiring them to read the whole document before that determination was made."

Civil Aviation Authority reply is that in restructuring the general format of these certificated organisation rules the applicability of the Rule and privileges of the certificate are now contained in Subpart A.

Mount Cook Airline says in relation to the upper limit for checks under regulation 76 of the Civil Aviation Regulations 1953 "The specification as written is not logical with disregarding pilot seating. There will be argument as to whether there is one or two pilot seats. I suggest use of 20 seats including pilot seats. This allows for 19 passenger seat aircraft which is logical."

Civil Aviation Authority reply is that this provision is being transferred to the consultative process for a proposed revision of Part 61 and will be fully considered at that time.

Appendix A - Flight Examiner Requirements

Thirty one submissions were received on this appendix. Following further consideration of the objectives of Part 141, the Civil Aviation Authority has decided that these flight examiner requirements are more appropriate to Part 61. Appendix A has therefore been deleted from Part 141; and the submissions received on this appendix will be carried forward for further evaluation under a proposed revision to Part 61.

Appendix B - Operational Competency Assessor

Thirty one submissions were received on this appendix. Following further consideration of the objectives of Part 141, the Civil Aviation Authority has decided that these operational competency assessor requirements are more appropriate to Part 61. Appendix B has therefore been deleted from Part 141; and the submissions received on this appendix will be carried forward for further evaluation under a proposed revision to Part 61.

Amendment to Civil Aviation Rule Part 61 - Pilot Licences and Ratings.

Thirty two submissions were received on this amendment to Part 61. This amendment to Part 61 will not progressed further at this stage but will be incorporated into the overall revision of Part 61 under Docket Number 1151 and these submissions will be carried forward to Docket 1151.

LIST OF CONSULTANTS

Air Nelson.

Air New Zealand.

Air New Zealand Engineering Training Services.

Air Safaris and Services (New Zealand).

Airways Corporation of New Zealand Limited.

Ansett New Zealand.

Associated Aviation.

Aviation Industry Association of NZ (Inc).

Aviation Industry Association (Helicopter Division).

Aviation Services Limited.

The Aviation, Tourism and Travel Training Organisation.

Bay of Islands Aero Club.

Experimental Aircraft Association, Oshkosh, USA.

Flightline Aeronautical College Ltd.

Hawke's Bay & East Coast Aero Club.
Helicopter Services BOP Ltd.
Heliflight Wairarapa Ltd.
International Transchem Management .
Kellaway Associates New Zealand.
Ken Wells, Aviation Consultant.
Nelson Aviation College.
The New Zealand Air Line Pilots' Association.
Massey University School of Aviation.
Mount Cook Airline.
New Zealand Qualifications Authority.
North Shore Helicopters.
Erol Smart of Christchurch .
Open Polytechnic of New Zealand.
Gary R. Parata of Palmerston North.
Wakatipu Aero Club Inc.
Matt Wakelin of Auckland.

Transitional arrangements

The transitional arrangements for Part 141 coming into force are:

1. Part 141 will come into force 28 days after notification in the Gazette:
2. Regulation 191 of the Civil Aviation Regulations 1953 will continue to be available for approvals until 28 November 1996 in circumstances where applicable rules are not yet in force and Part 141 certification is inappropriate:
3. Approvals issued under regulation 191 at any time up until 28 November 1996 may be issued for up to two years and shall continue in force until the expiry date shown on that approval or 28 November 1998, whichever is the earlier:
4. From 28 November 1996 only Part 141 will be available for aviation training organisations requiring certification.

Regulatory activities

There are no amendments to existing legislation as a result of this Part coming into force.

Conclusion

The Authority concludes from this consultation that the majority of the 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 1008.