



**PURSUANT** to Section 30 of the Civil Aviation Act 1990

**I, GERRY BROWNLEE**, Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This 12<sup>th</sup> day of November 2012

by **Hon GERRY BROWNLEE**

Minister of Transport

A handwritten signature in blue ink, appearing to read 'Gerry Brownlee', is written over the printed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**Civil Aviation Rules**

**Part 1, Amendment 46**

**Definitions and Abbreviations**

*Docket 13/CAR/2*

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**Rule objective**

The objective of amendment 46 to Part 1 is to reduce the potential for serious harm and fatalities arising from adventure aviation providers impaired by drugs and/or alcohol.

**Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 13-01, containing the proposed amendment to Part 1 was issued for public consultation under Docket 13/CAR/2 on 5 October 2012.

The publication of this NPRM was notified in the Gazette on 4 October 2012 and advertised in the daily newspapers in the five main provincial centres on 5 October 2012. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 14 days was allowed for comment on the proposed rule.

**Summary of submissions**

Three written submissions were received on the NPRM. These submissions have been considered, and as a result the following change was made to the final rule:

The terms *tandem master*, *tandem pair*, and *tandem parachute descent* are currently defined in Part 105 – Parachuting Operating Rules. These terms are also used in Part 115, but are not defined in that rule Part. Since they carry the same meaning in both rule Parts, it would be appropriate to have the terms *tandem master*, *tandem pair*, and *tandem parachute descent* placed in Part 1 instead of Part 105. The term *tandem rider* has also been placed in Part 1 as it is used in the definition of *tandem pair*.

**Examination of submissions**

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

**Insertion of Amendments**

The amendments to the rules in this Part are reflected by inserting the following definitions for *impaired*, *tandem master*, *tandem pair*, *tandem parachute descent* and *tandem rider*.

**Effective date of rule**

Amendment 46 to Part 1 comes into force on 15 December 2012.

**Availability of rules**

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

## Part 1 Definitions and Abbreviations

### 1.1 General definitions

*The following new definition of impaired is inserted after the definition of IFR flight:*

**Impaired** means affected by fatigue, injury, medical condition, or by the consumption of alcohol or other drugs such that the person may be a risk to the safety of himself or herself or of any other person:

*The following definitions of tandem master, tandem pair, tandem parachute descent, and tandem rider are inserted after the definition of take-off weight:*

**Tandem master** means the person responsible for the direct control of a tandem parachute descent:

**Tandem pair** means a tandem master and tandem rider:

**Tandem parachute descent** means a parachute descent of a tandem pair in a common tandem parachute assembly:

**Tandem rider** means a person participating in a tandem parachute descent using the secondary harness of a tandem harness system:

### **Consultation Details**

*(This statement does not form part of the rules contained in Part 1. It provides details of the consultation undertaken in making the rules.)*

A Notice of Proposed Rulemaking, NPRM 13-01 *Drug and Alcohol Impairment*, containing the proposed rules was issued for public consultation under Docket 13/CAR/2 on 5 October 2012.

Three responses to the NPRM were received.

The submission relevant to Part 1 was as follows:

### **Definitions**

One submission was received recommending “the addition of the terms ‘ground crew member’ and ‘tandem master’ to Part 1 *Definitions and Abbreviations*.”

### **CAA Response**

*The definition for ground crew member is only used in Part 115, and it is appropriate that it remains there. However, tandem master is used in both Part 105 and Part 115, so that definition, along with the definitions for tandem parachute decent, tandem pair, and tandem rider, which are also currently contained in Part 105 will be moved to Part 1 as it is not a change of policy, it is not controversial, it doesn’t have any regulatory impact, and this rule project already amends Part 1.*