

Notice of Proposed Rule Making

NPRM 23-01 Revision 1.1

4 July 2024

Assorted Issues

Docket **24/CAR/01**

Affected Rule Parts:

Part 1

Part 61

Part 91

Part 121

Part 129

Part 145

Consequential Amendments:

Part 1

Part 61

Part 172

Background to the Civil Aviation Rules

The Civil Aviation Rules (the Rules) establish the minimum regulatory safety boundary for participants to gain entry into, operate within, and exit the New Zealand civil aviation system. The rules are structured in a manner similar to the Federal Aviation Regulations of the USA.

Rules are divided into Parts and each Part contains a series of individual rules which relate to a particular aviation activity. Some rules empower the use of a CAA notice. Notices contain specific mandatory requirements including detail about the approvals, standards, conditions, procedures and technical specifications that have been approved or determined by the Director as being appropriate in accordance with the corresponding enabling rule.

Advisory circulars accompany many rule parts and contain information about standards, practices and procedures that the Director has established to be an acceptable means of compliance with the associated rule. An advisory circular may also contain guidance material to facilitate compliance with the rule requirements.

The objective of the Rules system is to strike a balance of responsibility between, on the one hand, the Crown and regulatory authority (CAA) and, on the other hand, those who exercise privileges and provide services in the civil aviation system. This balance must enable the Crown and regulatory authority to set standards for, and monitor performance of, aviation participants whilst providing the maximum flexibility for the participants to develop their own means of compliance within the safety boundary.

Section 12 of the Civil Aviation Act 1990 prescribes general requirements for participants in the civil aviation system and requires, amongst other things, participants to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Section 28 of the Act allows the Minister to make ordinary rules for any of the following purposes:

- the implementation of New Zealand's obligations under the Convention
- to allow for the mutual recognition of safety certifications in accordance with the Australia New Zealand Aviation mutual recognition agreements
- the provision of aviation meteorological services, search and rescue services and civil aviation security programmes and services
- assisting aviation safety and security, including but not limited to personal security
- assisting economic development
- improving access and mobility
- protecting and promoting public health
- ensuring environmental sustainability
- any matter related or reasonably incidental to any of the following:
 - i. The Minister's objectives under section 14 of the Act;
 - ii. The Minister's functions under section 14A of the Act;
 - iii. The Authority's objectives under section 72AA of the Act;
 - iv. The Authority's functions and duties under section 72B of the Act; and
 - v. The Director's functions and powers under section 72I of the Act
- any other matter contemplated by any provision of the Act.

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1. Purpose of this NPRM

The purpose of this rule-making proposal is to make amendments to various rules that are considered not significant enough in magnitude to warrant their own rule proposal. Traditionally, there have been two categories of rule changes: Omnibus, for minor editorial and drafting changes; and standard for all others. In 2016, a third category was developed, Small Issues, to package together a suite of distinct rule changes that are not Omnibus changes but are equally not sufficiently broad in scope to justify their own stand-alone rules project. These changes are not likely, on an individual basis, to be prioritised high enough for proceeding with rule development, so for reasons of efficiency multiple such issues are combined into a single package. The name was changed to Assorted Issues as the types of issues to be included are not necessarily small in size or importance.

This is a second round of consultation for NPRM 23-01 Assorted Issues.

Erratum: The version of NPRM 23-01 released on 1 July 2024 contained some errors, which have now been corrected in this version of the document. The corrections that were made are:

- Draft rule 61.155(bb)(3)(viiia) has been removed, and an explanatory note added to the Summary of Changes section.
- A small number of minor numbering and grammatical issues were corrected.

2. Background to the proposal

2.1 General Summary

The Assorted Issues Rule Proposal proposes a broad range of minor amendments to CAR Parts 1, 61, 91, 121, 129, 145 and 172. There are 10 distinct policy items in this NPRM set out below:

- Part 61 Night Vision Imaging Systems (NVIS):** Amend Part 61 *Pilot Licences and Ratings* to include requirements for the training in and use of NVIS.
- Part 91 Performance-Based Communication and Surveillance (PBCS):** Amend Part 91 *General Operating and Flight Rules* to align with Standards and Recommended Practices (SARPs) set by the International Civil Aviation Organization (ICAO) and provide an appropriate regulatory system for aircraft operators and Air Traffic Control (ATC) providers wanting to operate using PBCS.
- Part 91 Aircraft Call Signs:** Amend Part 91 *General Operating and Flight Rules* to enable the use of unique call signs and replace a general exemption.
- Part 145 Maintenance Organisation Rating Requirements:** Amend *Part 145 Aircraft Maintenance Organisations Certification* to formalise an organisations' document management and limit future risks associated with voluntary compliance.
- Part 129 Foreign Aircraft Operations:** Amend Part 129 *Foreign Air Transport Operator Certification* to provide further clarity for operators on how many take-offs or landings they may complete within New Zealand before they require a Foreign Air Operator Certificate (FAOC).
- Part 121 Flight Attendant and Cabin Crew Ground Instructor Training Requirements:** Amend Part 121 *Air Operations Large Aeroplanes* to include Flight Attendant and Cabin Crew Ground Instructors in Human Factors and Crew Resource Management training requirements.
- Part 91 Helicopter Hover Entry/Exits:** Amend Part 91 *General Operating and Flight Rules* to enable helicopter operators to conduct hover entry/exits in line with requirements to be specified in the Rules, replacing a general exemption.
- Part 91 Definition of Introductory Flight:** Amend Part 1 *Definitions and Abbreviations* to shift from the undefined 'trial flight' to a new definition of 'introductory flight'.
- Part 91 Definition of a Crew Member Revision:** Amend Part 1 *Definitions and Abbreviations* to recognise a new type of crew member on board an aircraft conducting a commercial transport or hire or reward operation.
- Part 91 Definition of Cost-Sharing Flights:** Amend Part 1 *Definitions and Abbreviations* to more clearly define what constitutes a cost-sharing flight.

Objectives of the Assorted Issues Proposal:

The primary objectives of these proposals are to:

- a. reduce regulatory burdens on aviation operators without reducing safety;
- b. address risks to aviation safety;
- c. achieve consistency with ICAO SARPs, and
- d. achieve the above objectives (a–c) with no reduction of aviation safety, and at minimal cost to the aviation industry, the travelling public and government.

2.2 ICAO Standards and Recommended Practices (SARPS)

The proposed rule amendments are intended to align with International Civil Aviation Organization (ICAO) annexes and are written in consultation with the following annexes:

- Annex 1 – Personnel Licensing
- Annex 2 – Rules of the Air
- Annex 3 – Meteorological Services for International Air Navigation
- Annex 6 – Operation of Aircraft
- Annex 11 – Air Traffic Services
- Annex 14 – Aerodromes
- Annex 15 – Aeronautical Information Services
- Annex 19 – Safety Management

2.3 NPRM Development and overview of submissions

The proposal was developed in consultation with internal and external subject matter experts. Some of the issues addressed were raised by industry stakeholders, who were also consulted on their respective submissions. Feedback on these issues was also provided by the Aviation Community Advisory Group (ACAG) in the issue assessment stage.

In July 2021, the Assorted Issues proposal was approved by the Ministry of Transport to be added to the Rules programme.

This proposal was initially consulted on in February 2024. After the first round of consultation, we identified an administrative error in the preamble of the NPRM relating to the criteria of an assorted issue. This has now been corrected and the criteria have been removed.

The submissions received in the first round of consultation have been considered and relevant changes incorporated into this second draft set of rules. The below table provides a high-level overview of key themes of submissions (relating to NVIS, crew-member, introductory flight, and cost-sharing flight), and changes that have been made as part of this proposal. Further detail on these changes can be found in section 4. Additional technical changes have also been made to all other proposals, and are detailed in section 4. A formal summary of submissions document will be produced following closure of this consultation, and this will provide a summary of feedback received on both versions of the NPRM.

Issue	CAA Comment	Change
Night Vision Imaging Systems		
Some submitters questioned why draft rules allow Private Pilot License (PPL) holders to undertake NVIS operations given the complexity around NVIS use which requires a greater level of experience than a PPL holder would necessarily have.	<p>PPL holders will need to undergo suitable training and get the initial prerequisites which should assist PPL holders to safely use NVIS.</p> <p>PPL holders will need to have appropriate night flight using NVIS experience as specified in a notice.</p>	Training requirements, the prerequisites and appropriate night flight experience will be specified in a notice in due course. The draft notice will be published for public consultation to get valuable feedback from industry before finalising the notice.

	PPL holders will need to meet the currency requirements (see new draft rule 61.945).	
A couple of submitters proposed that the rating should be called a night vision imaging systems rating.	Agree, as it aligns with usage in Radio Technical Commission for Aeronautics (RTCA) documents.	References in the draft rules to “an aid to night vision rating” are removed and replaced with “NVIS rating”.
A couple of submitters raised that category A instructors who do not already hold an NVIS instructor rating as a category B instructor should not automatically exercise privilege of giving NVIS flight instructions.	Agree and have amended the rules to reflect the submission made.	See amended draft rule 61.305(q)(1a)].
Submitters expressed that the NVIS proposal should extend to night flights under Instrument Flight Rules (IFR).	Agree and have amended the rules to reflect the submission made. Note that the rules are being kept at a high level whilst the detailed requirements for both night flying under Visual Flight Rules (VFR) and IFR will be specified in a notice.	References in the draft rules which refer to “night flying under VFR using NVIS” (or along similar lines) are amended to read “night flying using NVIS”. The details of the notice will be determined in due course. The draft notice will be published for public consultation before being finalised by the Director.
A submitter noted that the rule changes notified in the NPRM appear to be limited to a rather narrow scope of NVIS matters. More specifically, they relate to NVIS ratings rather than a thorough review of the NVIS Rule Part itself.	We are taking a performance-based approach to the NVIS proposal where the rules provide the high-level general requirements whilst the detailed requirements will be specified in a notice. See draft rule 91.273 for the matters to be specified in a notice. Note that much of the contents of AC91.13 will be transferred to the notice.	The details of the notice will be determined in due course. The draft notice will be published for public consultation before being finalised by the Director.
A submitter raised that a 5-year refresher course is considered inadequate. The submitter recommended that an annual demonstration of competency is required in much the same way as for aerobatic and agricultural ratings.	Agree. Have amended draft rule 61.945 to reflect the submission made.	See amended draft rule 61.945.
Definition of a crew member		
We received four submissions relating to definition of a crew member. Most submissions either questioned the lack of detail around what was considered a ‘specific or safety task necessary for the purpose of an operation that is specified by the Director in a notice, or questioned why our proposed definition was not	We are making use of different regulatory tools to provide long-term flexibility in defining crew member roles for the purposes of determining the type of operation. The proposed rule is an enabling rule (e.g. prohibiting someone from acting as a crew member unless for a specific or safety task necessary for the purpose	The detail of notices will be determined in due course, and we will engage with industry to decide on their content. There will be full consultation on the draft notices. We have adjusted the enabling rule to better align with overseas regulators as well as clarify and simplify sections

aligned with overseas regulators (e.g. the FAA, CASA or EASA).	of an operation that is specified by the Director in a notice). It is not intended to provide prescriptive detail in the rule, and this detail will be forthcoming in notices.	that submissions stated were confusing.
Introductory Flights		
Some submitters questioned the change that states introductory flights are required to be A to A flights only. Flights can currently be done as an A to B flight.	The intent of clarifying the introductory flight rule is to reduce the scope creep that can be associated with introductory flights in their current state (such as the use of introductory flight provisions to carry out an operation that would more accurately be considered a charter flight). The intent of an introductory flight is to give a person a taste of flying.	No change – draft rules will stay as A-to-A flights to meet the intent of an introductory flight and reduce any scope creep.
Some submitters questioned why introductory flights would be limited to two in a lifetime per person.	We agree that this is not relevant to improving regulatory safety and would likely impose additional regulatory burden on operators who would be required to find out if people had exceeded their lifetime limits.	We have removed the restriction from the draft rules.
Some submitters questioned the change in wording from trial flight to introductory flight.	We believe ‘introductory’ best explains the concept – these flights are meant to be an entry level flight that introduces someone to flying.	No change – draft rules will remain as introductory.
Some submitters questioned the inability to perform an aerobatic manoeuvre as part of an introductory flight.	The intent of this is to remove any scope creep that may exist, such as using an introductory flight to disguise an aerobatic experience (which would need to be done under a Part 115 certificate). However, we do agree it is acceptable for an aerobatic manoeuvre to be performed (with the intent of introducing someone to aerobatics) so long as it is not the basis of the introductory flight.	We have been explicitly clear in the rules that a max of 2 aerobatic manoeuvres can be performed as part of an introductory flight but must be done by a qualified instructor. We will develop guidance to further clarify this.
Some submitters noted that there were limitations on who could perform an introductory flight.	Initial draft rules excluded those who held documents under Part 149 and was limited to those holding documents under Part 61. This exclusion was unintended.	We have adjusted the rules to be clear that these operations are applicable to anyone holding an instructor rating under Part 61 or under the authority of an aviation recreation organisation certificate issued under the Act and Part 149.
Some submitters questioned the fact that introductory flights are limited	Current wording is intended to stop a multi-engine operation to mitigate additional risks arising from inherently more complex multi-	We have tweaked the wording of this rule to specify that these operations

to being conducted in a single engine aircraft.	engine operations. However, this also has ramifications on gliding operations (where there is no engine at all).	must take place in aircraft that have no more than one engine.
Some submitters noted that there is ambiguity in draft rules around what is considered a basic level of manipulation.	We agree that there needs to be clarity on this but putting it in the rules may be too prescriptive.	We will address this through guidance and the flight instructors guide.
Submitters questioned the limitations around the types of aircraft introductory flights can be conducted in (currently 4 pax max, single engine or less).	The intent of this rule is to limit any exposure to an unnecessary number of passengers.	No change – rule will continue to have a 4 pax maximum.
Cost-Sharing Flights		
Exclusion of DL9 holders from being able to perform a cost-sharing flight.	We agree that this doesn't meet the intent of the policy. If a pilot is qualified to carry passengers, there should be no restrictions on their medical type.	We have adjusted the rules to remove reference to medicals.
Cost-sharing flights are unable to be performed in a turbojet or turbofan aircraft, or a pressurised aircraft.	We agree that this is not relevant for the safety issue we are seeking to address.	We have amended the rules to remove the restrictions on turbojet/turbofan and pressurised aircraft.
Submitters have questioned the need to place passenger restrictions on a cost-sharing flight.	We have aligned the draft rules to reflect CASA regulations and reduce risk exposure to unnecessary passengers. If wanting to carry more passengers, this would need to be done under a different document.	Rules will remain as is – pilots will only be able to conduct these operations in an aircraft that has a maximum certificated passenger seating capacity of 6 or fewer seats.
Submitters have asked for clarity on requirements to split costs equally.	N/A	We have amended the rules to specify this more directly and make it clear that the pilot is to pay no less than an equal share of the costs.
Submitters have asked for clarity on what is considered a direct cost.	N/A	We have further clarified this in the rules and will supplement with guidance.
Submitters have questioned what is meant by advertising to the public, and the restrictions on advertising on social media.	The intent of this is to ensure that industry is not advertising something that resembles a commercial flight. We are unable to control the channel in which the advertising is delivered, so we have agreed that this needs to focus more on the intent.	We have redrafted this rule to align better with the intent of a cost-share flight.
Submitters have questioned the inability to conduct cost-sharing flights on a microlight certificate under Part 149.	We agree that this is not relevant to the issues we are seeking to address, and if pilots are qualified to carry a passenger, then cost-sharing flights could be conducted.	We have redrafted the rules to incorporate all types of operations.

2.4 Key Stakeholders

The following are identified by the CAA as key stakeholders in the proposed rule amendments contained in this NPRM:

- The Minister of Transport:
- The Ministry of Transport:
- The CAA:
- Airways Corporation Limited (Airways):
- Airlines:
- NZ Airline Pilot Association:
- Aviation Community Advisory Group (ACAG):
- Part 145 maintenance organisations:
- Part 149 recreation aviation organisations:
- Part 129 foreign aircraft operators:
- Flight crew members and flight attendants.

3. Issues addressed during development

Detail on the issues that are addressed in this proposal is available in section three of the first iteration of this NPRM. This can be found at the following link:

[Notice of Proposed Rule Making - NPRM 23-01 - Assorted Issues \(aviation.govt.nz\)](#)

4. Summary of changes

Part 61 Night vision imaging system (NVIS):

Based on industry feedback, rule 61.7(b) is further amended by renaming the “aid to night vision rating” to a “night vision imaging systems rating”. This is to align with usage in RTCA documents (DO-268, DO-275 & RTCA/DO-295) **Civil Operator’s Training Guidelines for Integrated Night Vision Imaging Systems Equipment**. In 2006, the Director accepted that these RTCA documents provided the necessary guidelines and acceptable means of compliance with the New Zealand Rules for the safe introduction of NVG flight operations into the NZ civil aviation environment. This new rating is not an aviation document but an endorsement on a pilot licence provided that the licence holder meets all the applicable requirements for the rating.

Rule 61.107(b)(1) prohibits a person who holds a medical certificate issued under the Land Transport Rules (LTA medical) to act as pilot-in-command of an aircraft operating at night. This rule is amended to further prohibit the person from using NVIS. Although it seems redundant to expressly prohibit the use of NVIS given that NVIS is used at night, (thus already covered in the night prohibition) the CAA considers it necessary to do so. The use of NVIS requires specific training in how to use NVIS equipment properly. This training is in addition to the night flying training. It is envisaged that a breach of the use of NVIS will be a separate offence to the night flying prohibition.

In the original NPRM, it was proposed that rule 61.153(a) is amended to allow a holder of a PPL to exercise PPL privileges during the night and use NVIS, provided that the PPL holder has appropriate experience acceptable to the Director. What is considered to be ‘appropriate experience’ will be specified in an AC. Note that the draft AC will be developed once the NPRM is published for public consultation. However, upon further internal review, the CAA proposes that the appropriate night flight using NVIS experience should be specified in the NVIS notice instead of in an AC. The intent is to keep all the requirements regarding the use of NVIS in the notice whilst guidance material are to be placed in the AC. Note that an editorial amendment is made to paragraph (a)(3) by simply rearranging the sentence for a better flow.

Rule 61.155(b)(3) is amended to prohibit a PPL holder from acting as pilot-in-command or as co-pilot of an aircraft being operated using NVIS unless an appropriately qualified flight instructor has certified in the holder's logbook that the holder

has satisfactorily completed the flight training required to perform that activity. Whilst rule 61.155(bb) is amended to prohibit the PPL holder with a LTA medical certificate from acting as pilot-in-command (PIC) or co-pilot of an aircraft that is being operated at night using NVIS.

In the original NPRM, it was proposed that rule 61.203 is amended to allow a CPL holder to exercise commercial pilot privileges during the night under VFR using NVIS if the holder has appropriate experience acceptable to the Director. What is considered to be ‘appropriate experience’ will be specified in an AC. Note that the draft AC will be developed once the NPRM is published for public consultation. However, upon further internal review, the CAA proposes that the appropriate night flight using NVIS experience should be specified in the NVIS notice instead of in an AC. The intent is to keep all the requirements regarding the use of NVIS in the notice whilst guidance material are to be placed in the AC. CAA also proposes to remove the reference to ‘under VFR’ so that the night flight using NVIS extends to IFR operations. Note that an editorial amendment is made to paragraph (a)(5) by rearranging the sentence for a better flow.

Rule 61.205 is amended to prohibit a CPL holder from acting as PIC or co-pilot of an aircraft operating at night using NVIS unless an appropriately qualified flight instructor has certified the holder’s logbook that the holder has satisfactorily completed the required night flight using NVIS training. Note that an editorial amendment is made to paragraph (b)(2) by rearranging the sentence for a better flow.

Rule 61.303 – In the original NPRM, it was proposed that paragraph (b) is amended to allow for a category D flight instructor to instruct at night under VFR using NVIS provided that the person has appropriate experience acceptable to the Director. What is considered ‘appropriate experience’ will be specified in an AC. A similar amendment is made to paragraph (d) regarding a category B flight instructor. For similar reasons regarding the proposed amendments to draft rule 61.203, the CAA proposes to further amend paragraph (b) to remove the reference to “under VFR” and specify the the appropriate night flight experience in the NVIS notice. Upon further internal review, the CAA proposes to insert a new paragraph (5a) to require a person to have appropriate night flight using NVIS experience as specified in the NVIS notice. Note that an editorial amendment is made to paragraph (b)(3) by rearranging the sentence for a better flow. Similar editorial amendments are made to paragraphs (d)(4), (5) and (6).

Rule 61.305(g) is amended to prohibit a category D flight instructor from instructing at night using NVIS unless an appropriately authorised flight examiner has certified the holder’s logbook that the holder has the necessary experience and demonstrated competence in that activity. New paragraph (1a) is inserted which prohibits the holder of a category C flight instructor from using NVIS if the holder is allowed to instruct at night.

Rule 61.305(p)(1) is amended to prohibit the holder of a category B flight instructor rating from instructing using NVIS unless an appropriately authorised flight examiner has certified in the holder’s logbook that the holder has the necessary experience and demonstrated competence in that activity.

In the original NPRM, rule 61.305(q) is amended to allow the holder of a category A flight instructor rating the privilege to give flight instruction at night under VFR using NVIS. In addition, the rule is also amended to allow for authorising a solo flight during the night under VFR using NVIS, if applicable. Based on industry feedback, this rule is further amended to clarify that the holder of a category A flight instructor rating may give flight instruction at night using NVIS “if applicable”. The view given is that a category A flight instructor who does not already hold a NVIS instructor rating as a B category should not automatically exercise the privilege of giving night flight instruction using NVIS. The person is required to complete the same process as any other instructor. The reference to “under VFR” is removed.

The CAA is exploring a workable solution on how examiners are authorised to conduct NVIS flight tests for potential instructors. The CAA invites your views on this particular matter.

A new subpart T is inserted to provide for aid to night vision rating. This new subpart adopts a similar format to current ratings set out in Part 61. It contains provisions on eligibility, issue of rating, privileges and limitations, currency requirements and savings. The contents for these provisions are largely copied from current AC91-13.

Upon further internal review, draft rule 61.935 is amended to specify that one of the requirements for the issue of a NVIS rating is that a person has appropriate flight experience as specified in a notice instead of in an AC (see paragraph (3)). The draft rule is also amended to provide that the approved NVIS flight training course is to be specified in a notice, instead of in an AC. Lastly, the rule is further amended to provide that the person is to demonstrate competency in those

areas specified in a notice, instead of in an AC. The intent is to keep the rule requirements at a high level whilst all the detailed requirements regarding NVIS use are placed in a notice. Guidance material is to be placed in an AC.

The statement in draft rule 61.937 is amended to allow for the certifying of Part 61 rules for the issue of a NVIS rating in respect of an aeroplane. The draft rule in the original NPRM provided for a helicopter only.

Upon further internal review, new draft rule 61.941 is inserted to provide for the recognition of foreign NVIS qualifications. This is imported from clause 4.7 of AC91.13, but without the reference 'under VFR' to allow for IFR night operations using NVIS.

Based on industry feedback and internal review, draft rule 61.945 is redrafted. Paragraph (a) prohibits a pilot who holds a NVIS rating from operating an aircraft at night using NVIS unless the pilot has successfully demonstrated instrument competency to an appropriately qualified flight instructor in the preceding 90 days. The pilot is required to complete an annual NVIS competency check with an appropriately qualified flight instructor. In addition, the pilot is also required to complete recurrent NVIS training in the preceding 12 months covering areas specified in a notice. As circumstances may change over time and to allow for some flexibility, the pilot is required to complete any other training or NVG aircraft operations specified in a notice. Paragraph (b) prohibits a pilot who holds a NVIS rating and has not operated an aircraft at night using NVIS for 12 months or more from carrying out such an operation unless the pilot has successfully completed a requalification training course as specified in a notice. Paragraph (c) provides that a pilot who holds a current instrument rating is not required to demonstrate instrument competency under paragraph (a).

Consequential amendments:

Consequential amendments made to rules in Part 91 are to prohibit the use of NVIS, in addition to the current prohibition that a pilot must not operate an aircraft at night. (See rules 91.131, 91.137, 91.139.)

Rule 91.233 provides for aircraft lights. In the original NPRM, the rule is amended to prohibit a pilot of an aircraft from operating an aircraft at night under VFR unless the aircraft's internal and external lighting meets the performance requirements as specified in a notice. (New paragraph (3a) inserted.) The draft rule is further amended to remove the phrase 'under VFR' for consistency with amendments mentioned earlier.

In the original NPRM, new rule 91.271 provided for the requirements for operating aircraft at night under VFR using NVIS. The draft rule is amended to remove the phrase 'under VFR'. Given that airworthiness and performance requirements can change quickly over time, the rule allows for some flexibility. A person can either meet the airworthiness and performance requirements specified by the Director in a notice, or those requirements that the Director accepts to be equivalent to those in the notice, via an AC. The draft rule is also amended to prohibit the carriage of a passenger if a person is operating an aircraft at night to carry out NVIS training.

New rule 91.273 provides for the Director to determine airworthiness and performance requirements and related matters in a notice. A person is required to comply with any requirement in a notice if it applies to the person. Upon further internal review, the new rule is amended to also provide for the requirements regarding testing, installation, and approval of NVIS, and the operational procedures and any limitations associated with operating an aircraft at night using NVIS. In addition, the rule is also amended to provide for the requirements regarding appropriate night flight using NVIS experience, suitable training, courses, manoeuvres and NVG aircraft operations. Note that most of the matters to be specified in a notice will be adopted from current AC91.13. New rule 91.273B provides that the procedures for making, amending and revoking of an ADS-B notice apply to a NVIS notice. This is to ensure that the same procedures are followed for making, amending or revoking notices and avoids having a duplicate set of similar procedural rules.

New rule 91.273C provides for transitional arrangements. The rule allows a person who was approved by the Director to carry out operations in a particular aircraft at night using NVIS immediately before the new rules come into force, to continue carrying out NVIS operations up to 1 year from the rules in-force date. The transition period of 1 year allows sufficient time for the new NVIS notice to be put in place and for operators to make the necessary arrangements to meet the new rule requirements. It is envisaged that most of the contents of the notice will be adopted from current AC91-13.

Upon further internal review, rule 135.607 is amended to specifically require each pilot operating an aircraft at night under VFR or IFR using NVIS to successfully complete a competency assessment in the given time periods and manner as specified in the draft rule (see new paragraphs (2a) and (3a)).

Rule 135.803(a)(2) prohibits a holder of an air operator certificate to cause or permit an air operation to be performed unless the scheme addresses the factors specified in the rule. Subparagraph (iv) is amended to include the use of NVIS if applicable, as a relevant factor to be considered.

Part 1 is amended by including the definition of **night vision imaging systems** and the abbreviation of **NVIS**.

Part 91 Performance Based Communications and Surveillance

New rule 91.265 provides for the requirements for PBCS. A person is prohibited to operate an aircraft under IFR using PBCS unless all the requirements specified in the rule are met. Given that aircraft airworthiness and performance requirements can change quickly over time, the rule allows for some flexibility. A person can either meet the standards specified by the Director in a notice or requirements that the Director accepts to be equivalent to those in the notice, via an AC.

It is envisaged that in most cases it is not necessary to require the Director's approval for an operator to use PBCS. However if a situation arises where operational approval by the Director is considered necessary, then a notice would specify such an approval with regards to a particular route or airspace for instance.

New rule 91.267 allows the Director to determine and specify the requirements for PBCS and related matters in a notice. A person must comply with any requirement specified in a notice if it applies to the person. The rule defines what **suitably trained** and **qualified** means.

New rule 91.267B provides that the procedures for the making, amending and revoking of an ADS-B notice apply to a PBCS notice. As stated earlier for a NVIS notice, this is to ensure that the same procedures are followed for making, amending or revoking notices and avoids having a duplicate set of similar procedural rules.

New rule 91.267C provides for a transitional and savings provision. The rule deems a person who was approved by the Director to operate an aircraft using PBCS on certain routes, airspaces and horizontal separations immediately before the new rule comes into force to have been approved to operate an aircraft using PBCS under new rule 91.265(3). A transition period of 1 year is given before a person may operate an aircraft using PBCS, and to comply with the operational requirements associated with PBCS as specified in a notice. This transition period provides sufficient time for the new PBCS notice to be put in place and for operators to make the necessary arrangements to comply with the new rules. (*see paragraph (b)*)

A consequential amendment is made to Part 1 by adding the abbreviation of **PBCS**.

Part 91 Aircraft call sign:

Rule 91.249 is amended to provide for a unique personalised call sign which is part of an identifiable paint scheme or markings approved under rule 47.104. The unique call sign will refer to an aircraft type or model, letters or numbers in a manner or form approved by the Director. (*new paragraph (a)(4) inserted*) Being future looking, the rule is also amended to include any other similar radiotelephony call sign that is acceptable by the Director. A radiotelephony call sign that was approved by the Director through general exemption 15/EXE/43 immediately before the in-force date of the new rules is deemed to have been approved by the Director under paragraph (a)(4). This preserves the current arrangement under general exemption 15/EXE/43 so that affected individuals do not need to reapply for the Director's approval to get a new unique personalised call sign.

Editorial amendments are made to update wording with modern plain language such as replacing 'Notwithstanding' with 'Despite' and use of correct terminology ('call sign' instead of 'callsign').

Part 145 maintenance organisation rating requirements:

Rule 145.101 is amended to require a holder of a maintenance organisation certificate to include a copy of a release note in its exposition for any aeronautical product issued by the organisation. (*new paragraph (1a) inserted*) Upon review, the term 'aeronautical product' is preferred instead of 'part, material, fluid' as used in the original policy work. This is in

view of the broader definition of the term ‘aeronautical product’¹ in Part 1 and also for consistency in usage as the term is used in rule 19.321.

A consequential amendment is made to rule 19.321(4)(i) to require the name ‘of the supply organisation and certificate of approval number’, to replace the current ‘name and certificate of approval number of the supply organisation issuing it’. (*see draft rule 19.321(b)(4)*)

Minor editorial corrections are made to certain phrases such as ‘procedures to inspect’ and ‘procedures to prevent’ are replaced with ‘procedures for inspecting’ and ‘procedures for preventing’, etc.

Part 129 Foreign aircraft operations:

Rule 129.1(a) is amended to clarify the intent of the current status and remove existing ambiguity of interpretation. The amended paragraph provides that Part 129 applies to persons conducting foreign air transport operations of –

- (1) more than 1 take-off and 1 landing within New Zealand in any consecutive 28 day period; or
- (2) more than 4 take-offs and 4 landings within New Zealand in any consecutive 365 day period.

The CAA has been using the interpretation of one take-off and one landing without a foreign aircraft operator certificate (in paragraph (a) scenario) for several years. The minor amendment to paragraph (a) affirms the CAA’s position. The exception in current paragraph (b) of rule 129.1 remains unchanged.

Part 121 Training requirements for flight attendant and cabin crew ground instructors:

In the original NPRM, it was proposed that rule 121.529 is amended to remove the reference to ‘flight crew or flight attendants’ as it is redundant. Given that rule 121.553(a) provides for the crew member training programme and specifies the persons assigned to act as a crew member. However, the latter rule does not include ‘flight attendant’ which seemed to have been overlooked when the rule was drafted. The latter rule is amended to read “each flight crew member and each flight attendant”. The term ‘flight crew’ is amended to read ‘flight crew member’ to align with the definition in Part 1. An editorial amendment is made to the closely related rule 121.555(a) to replace ‘flight crew’ with ‘flight crew member’. Upon internal review and also noted in the feedback received, the CAA advises that the reference to rule 121.553(a) is an error. Current rule 121.553(a) uses the correct reference “flight crew member and each flight attendant”. Therefore, there is no amendment to be made to rule 121.553(a).

Part 91 Helicopter hover entry and exit:

Rule 91.207(a)(2) places a duty on a pilot-in-command of an aircraft to require each passenger to occupy a seat or berth and to fasten their safety seat belt, restraining belt or, if equipped, shoulder harness or single diagonal shoulder belt when the aircraft is flying at a height of less than 1000 feet above the surface. In the original NPRM, new paragraph (da) is inserted to provide an exception to the rule. The exception being that paragraph (a)(2) does not apply to a passenger who is permitted by the pilot-in-command to enter or exit from a helicopter while hovering, provided that the requirements specified in the paragraph are met if applicable. Note that the new paragraph (da) is largely copied from current exemption 19/EXE/1. This exemption will be removed when the new rule is in force. Based on industry feedback and internal review, paragraph (da) is redrafted to specify what the exception is for clarity, instead of the phrase “paragraph (a)(2) does not apply...”. Essentially a pilot-in-command of a helicopter may allow a passenger not to fasten their safety seat belt, restraining belt, or if equipped, shoulder harness or single diagonal shoulder belt when the aircraft is flying at a height of less than 1000 feet above the surface, in order for a passenger to enter or exit from the helicopter while hovering. The detailed requirements that were adopted from the exemption are removed except for the requirements placed on the holder of a certificate specified in that draft rule, and the requirements for a person who does not hold such a certificate (see new paragraphs (db) and (dc)).

Part 91 Introductory flight:

New rule 91.227H is inserted to provide for an introductory flight subject to restrictions. Essentially a pilot is prohibited from performing an introductory flight unless the requirements specified in the rule are met. The restrictions seem self-explanatory. Note that for the purposes of this rule, an introductory flight is not an air transport operation. (*See*

¹ **Aeronautical product** is defined in Part 1 to mean *anything that comprises or is intended to comprise any part of an aircraft, or that is or is intended to be installed in or fitted or supplied to an aircraft, and includes fuel and other similar consumable items necessary for the operation of the aircraft:*

paragraph (c)). This is consistent with the definition of air transport operation in Part 1 which excludes a trial flight. Based on industry feedback and internal review, the new rule is amended to clarify the status of the person performing an introductory flight. Essentially the person is either a flight instructor who holds a current instructor rating under Part 61 or under an aviation recreation organisation certificate under Part 149. In addition, the person must meet all the applicable requirements to provide flight instruction to student pilots for the appropriate category of aircraft. The reference to “student seat” (in the phrase “a person in the student seat”) is removed for being problematic, as the term is not defined. For clarity, the phrase is replaced with a person “receiving flight instruction”.

Also note that the defined term (introductory flight) does not state that it is not an operation for hire or reward.

A consequential amendment is made to the definition of **air transport operation** in Part 1 by deleting “a trial flight” in paragraph (5) and replacing with “an introductory flight”.

Part 91 Crew member:

In the original NPRM, new rule 91.227D was inserted prohibiting a person to act as a crew member carrying out a specific or safety task necessary for the purpose of an operation without an air operator certificate unless the restrictions specified in the rule are met. Namely, that the specific or safety task is one determined by the Director and specified in a notice. In addition, the circumstances under which the specific or safety task are carried are to be similar to those determined by the Director and specified in a notice. It is premature at this stage to make any assumptions as to what those specific or safety tasks might be, or the surrounding circumstances. However, the CAA advises that it will fully engage with the aviation industry through the public consultation process on the draft notice. Upon further internal review, the phrase “specific or safety task” is removed and replaced with “specified function”. This is to align more closely with the equivalent CASA provision. In addition, the requirement that the person has been suitably trained is added (*see paragraph (a)(4)*).

This new rule is placed in Part 91 so it would generally apply to the other Rule Parts such as 135, 125 or 121. In addition, the details regarding the specific or safety tasks, circumstances, and conditions for which a crew member under rule 91.227D is carried will need to be specified in a Part 91 notice. In addition, the Part 91 notice will also apply to the other Rule Parts, with possible variations to suit certain operations under a particular Rule Part. For instance, certain conditions may apply to an operation under Part 135 but are not applicable to an operation under Part 121. However, having one notice avoids having to create a separate notice for each Rule Part with duplicate information in them.

Part 91 Cost sharing flight:

In the original NPRM, new rule 91.227B provided for a cost sharing flight subject to restrictions specified in the rule. For instance, a pilot must not perform a cost sharing flight unless the requirements specified in the rule are met. Note that the pilot is required to hold a PPL with at least a current class 2 medical certificate issued under the Act. It is proposed that a PPL holder with a LTA medical certificate is not permitted to perform a cost sharing flight. The rest of the restrictions and draft defined terms (**advertising to the public** and **direct costs of the flight**) seem self-explanatory and consistent with the policy intent.

Based on industry feedback and internal review, the new rule is amended to remove the medical standard (class 2 medical certificate issued under the Act). However, for consistency with current rules, the rule is further amended so that the performance of a cost sharing flight is subject to the restrictions for a PPL holder with a LTA medical certificate (*see paragraph (b)*). Essentially, this means for instance that a holder of an ATPL, a CPL or PPL who only holds a current LTA medical certificate must not act as pilot-in-command or co-pilot of an aircraft exceeding 2,730 kg, of any pressurised aircraft exceeding 25,000 feet AMSL, or operate under IFR. In addition, the person must not carry more than 5 passengers. See current rule 61.155 for the full list of restrictions. The new rule is also amended to clarify that the pilot-in-command pays no less than an equal share of the flight costs. Finally, the rule is amended to also clarify that the flight is limited to family members, friends or associates (*see paragraph (6)(ii)*).

This new rule is placed in Part 91 so it would generally apply to the other Rule Parts, such as Part 135.

A consequential amendment is made to Part 1 to insert the new definition of **introductory flight**. In the original NPRM, a consequential amendment was also made to Part 61 to prohibit a PPL holder with a LTA medical certificate to perform a cost sharing flight. (*See rule 61 rule 61.155(bb)(3), new paragraph (viii) inserted*). This proposed amendment is now removed to align with the changes to the cost sharing rule in Part 91 mentioned above.

Legislative analysis

4.2 Power to make rules

The Minister may make ordinary rules under sections 28, 29, 29A, 29B and 30 of the Civil Aviation Act 1990 (the Act), for various purposes including implementing New Zealand's obligations under the Convention, assisting aviation safety and security, and any matter contemplated under the Act.

These proposed rules are made by the Minister pursuant to the following sections of the Act:

- (a) Section 28(1)(c) which allows the Minister to make rules for assisting aviation safety and security, including but not limited to personal security:
- (b) Section 29(c) which allows the Minister to make general operating rules, air traffic rules, and flight rules, including but not limited to the following:
 - (i) the conditions under which aircraft may be used or operated, or under which any act may be performed in or from an aircraft:
 - (ii) the prevention of aircraft endangering persons or property:
- (c) Section 30(a) which allows the Minister to make rules for the designation, classification, and certification of all or any of the following:
 - (i) aircraft:
 - (ii) aircraft pilots:
 - (iii) flight crew members:
 - (vi) aircraft maintenance personnel:
 - (viii) air traffic services:
 - (xi) aviation training organisations:
 - (xiii) aeronautical procedures:
 - (xvii) any other person who provides services in the civil aviation system, and any aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system, or classes of such persons, aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system.
- (d) Section 30(b) which allows the Minister to make rules for the setting of standards, restrictions, and licensing requirements for all or any of those persons or things specified in paragraph (a), including but not limited to the following:
 - (i) the specification of the privileges, specifications, and ratings associated with licences or other forms of approval:
 - (ii) the settings of standards for training systems and techniques, including recurrent training requirements:
 - (v) the specification of standards of design, construction, manufacture, maintenance, processing, testing, supply, approval, and identification of aircraft aeronautical products:
- (e) Section 30(d) which allows the Minister to make rules for the definitions, abbreviations, and units of measurement to apply within the civil aviation system.

4.3 Matters to be taken into account

The development of this NPRM and the proposed rule changes take into account the matters under section 33 of the Act that the Minister must take into account when making ordinary rules including the following:

ICAO Standards and Recommended Practices

The proposed rules are not inconsistent with applicable sections of the following ICAO Annexes:

- Annex 1 – Personnel Licensing
- Annex 2 – Rules of the Air
- Annex 6 – Operation of Aircraft
- Annex 8 - Airworthiness of Aircraft
- Annex 11 – Air Traffic Services
- Annex 14 – Aerodromes
- Annex 15 – Aeronautical Information Services

New Zealand's international obligations relating to aviation safety and security

The proposed rules are consistent with New Zealand's international obligations relating to aviation safety and security.

The level of risk existing to aviation safety

NVIS: The new regulatory framework will reduce the risk to safety as the requirements and performance standards regarding NVIS equipment and aircraft are put in place. In addition, the framework provides clarity and certainty to operators on what they are required to do to safely operate an aircraft at night using NVIS.

PBCS: No adverse effect to aviation safety.

Aircraft unique call sign: The proposed rule amendment will reduce the risk around misidentification of aircraft, thus reducing the risk to aviation safety.

Part 145 maintenance organisation rating requirements: The proposed rule is likely to reduce risk to safety as it enables tracing a release note to an issuer, if a problem arises with a supplied product. The proposed rule will allow the CAA to have oversight of the content and form of release notes and trace faulty products.

Part 129 foreign aircraft operations: No adverse effect to aviation safety.

Part 121 Crew member training requirements: The proposed rule amendments are likely to reduce risk to safety as flight attendants and cabin crew ground instructors are included in the human factors and crew resource management training.

Part 91 Helicopter hover entry: The proposed rules will reduce the risk to safety as hover entry or exit is restricted to daytime except if there is an approved aid to night vision used by the pilot-in-command or any other suitably trained person on board the aircraft. A certificate holder carrying out a hover entry or exit operation is required to establish, document, and implement standard operating procedures, passenger briefing procedures, training procedures and competency assessment procedures to ensure that any potential injury to a person entering or exiting the aircraft is kept as low as reasonably possible. For operations carried out by non-certificate holders, the pilot-in-command is required to have been received suitable training by an appropriate instructor. The pilot-in-command is also required to identify risks regarding a person entering or exiting an aircraft and the mitigations to be used to keep the risk of injury as low as reasonably possible.

Part 91 introductory flight: The new proposed rules will reduce the risk to safety by imposing certain restrictions on a pilot conducting the flight and also on the passengers, to ensure the safety of the flight.

Part 91 crew member revision: It is envisaged that the new regulatory framework will reduce the risk to safety as it provides a clear approach regarding the carriage of a new crew member on a flight. The proposed rules prohibit a person from acting as a crew member while carrying out a specific or safety task necessary for the purpose of an operation, without an air operator certificate, unless the specific or safety task is one specified by the Director in a CAA notice. The draft CAA notice that has yet to be developed will clarify what the permitted tasks are, and under what conditions. This will help operators to know what is required of them, when carrying a new crew member onboard.

Part 91 cost sharing flight: The proposed rule is likely to reduce the risk to safety by requiring the pilot to have a current class 2 medical certificate and restricting the carriage of passengers to a maximum of 6 people in an aircraft that is not powered by a turbojet or turboprop or is not pressurised.

Assisting economic development

NVIS: The new regulatory framework provides clarity and certainty to operators on what they are required to do to safely operate an aircraft at night using NVIS. Combined with the anticipated reduced cost of NVIS in the nearby future due to technological advancement means a likely increase in NVIS purchase. This may result in a further increased uptake in NVIS use, thus assist economic development.

PBCS: The new regulatory framework will assist economic development by improving access to the operational benefits of PBCS by supporting increased uptake of PBCS by more operators. These benefits include more direct routes and reduced horizontal separations at certain airspaces and routes. Increased use of PBCS would allow for increased airspace and airport capacity, which can be achieved through more efficient design of routes in controlled airspace. More efficient approach and departure procedures can mean that more aircraft can take-off and land per hour.

Unique aircraft call sign: No adverse effect on economic development.

Part 145 maintenance organisation rating requirements: No adverse effect on economic development.

Part 129 foreign aircraft operations: Clarifying the rule intent on the number of take-offs and landings that a foreign operator can do without a foreign air operator certificate, creates certainty for affected operators. These operators can now make plans for the long term, with confidence. This can potentially result in an increased uptake of foreign operators flying to New Zealand thus assist economic development.

Part 91 Helicopter hover entry and exit: Regulatory clarity and certainty around the requirements for carrying out a helicopter hover entry and exit mean that operators can make plans for the long term, which can result in a potential increased uptake in operations. This is likely to assist economic development.

Part 121 Flight attendant & cabin crew ground instructor training: No adverse effect on assisting economic development.

Part 91 Introductory flights: The new regulatory framework provides clarity and certainty on what a pilot is required to do. This means pilots can better plan for future, including more flights, with confidence. Plus, an introductory flight is a hire or reward operation therefore more flights mean more revenue, thus assist economic development.

Part 91 New crew member: The new regulatory framework will provide greater clarity and certainty on whether people performing certain tasks on aircraft are considered to be members of the aircraft crew, or passengers. This will ensure that all commercial operators are subject to the most appropriate regulatory requirements for the operation being carried out, without unnecessary compliance costs being incurred.

Part 91 Cost sharing flight: No adverse effect on assisting economic development.

Assisting safety and personal security

NVIS: Regulatory clarity and certainty on what the requirements are for using NVIS, related equipment and aircraft, plus pilots being suitably trained before using NVIS, will improve safety. In addition, night vision is much improved with the use of NVIS, thus reduces the likelihood of incidents or accidents occurring for aircraft operating at night.

Aircraft call sign: Using a simpler unique personalised call sign reduces the possibility for risk around confusion and misidentification of aircraft. The proposed rule amendment will improve safety.

PBCS: The airworthiness and performance requirements of the aircraft, the operator's competency to operate the aircraft, and the associated operational procedures which include addressing any non-compliance issue, all of which are required under this proposal, will improve safety.

Part 145 maintenance organisation rating requirements: No adverse effect.

Foreign aircraft operations: No adverse effect.

Helicopter hover entry and exit: Regulatory clarity around the requirements for carrying out a helicopter hover entry and exit operation means operators are clear about what is required of them in order to safely conduct such operations. This would assist safety.

Flight attendant and cabin crew ground instructor training: Regulatory clarity by including flight attendants in the crew member training programme would assist safety.

Introductory flight: Regulatory clarity and certainty on what a pilot and passengers are required to do for an introductory flight will assist safety. This is shown by limiting the number of passengers that can be carried in a non-complex aircraft,

allowing a passenger to have only a basic level of manipulating the aircraft controls under direct pilot supervision and prohibiting an aerobatic manoeuvre being performed.

New crew member: Regulatory clarity will improve safety by ensuring that operators will be operating under an appropriate level of regulatory oversight for the activities being undertaken.

Cost-sharing flight: Additional clarity for cost-sharing flight operations will assist safety by limiting flights to those where safety risks can be well managed, and by limiting the public's exposure to risk.

Improving access and mobility

NVIS: Regulatory clarity and certainty on the requirements around NVIS use, combined with the anticipated reduced future cost for NVIS, and the benefit of improved night vision by using NVIS, will improve access and mobility.

Unique aircraft call sign: No adverse effect on access and mobility.

PBCS: Increased uptake of aircraft operations using PBCS will improve access and mobility by allowing for more direct routes (therefore shorter travelling distances) and more aircraft on any particular route due to the application of reduced horizontal separations. However only those operators who meet the prescribed requirements to operate an aircraft using PBCS may enjoy the benefit of more direct routes.

Part 145 maintenance organisation rating requirements: No adverse effect on access and mobility.

Foreign aircraft operations: Clarity and certainty on the number of take-offs and landings without a foreign air operator certificate will allow operators to make plans, including potentially more flights in and out of New Zealand, for the longer term. This would improve access and mobility.

Helicopter hover entry and exit: Allowing the continued practice of helicopter hover entry and exit will enable access to remote areas where normal landings are not possible.

Flight attendant & cabin crew ground instructor training requirements: No adverse effect on access and mobility.

Introductory flight: No adverse effect on access and mobility.

New crew member: No adverse effect on access and mobility.

Cost sharing flight: No adverse effect on access and mobility.

Protecting and promoting public health

This proposal will not have a detrimental impact on public health.

Ensuring environmental sustainability

NVIS: Due to the relatively small number of current NVIS users, there is little or no adverse effect on environmental sustainability. However, this can change in the long term if there is an increased uptake of NVIS use.

Unique personalised call sign: No adverse effect.

PBCS: Increased uptake of PBCS will improve environmental sustainability by reducing the environmental impact of each flight, due to reduced fuel burn and efficiency improvements from more direct routes. However, by increasing capacity at airports, greater use of PBCS could allow an increased number of flights, which could adversely affect the environment.

Part 145 maintenance ratings requirements: No adverse effect.

Foreign aircraft operations: No adverse effect.

Helicopter hover entry and exit: No adverse effect.

Flight attendant and cabin crew ground instructors training requirements: No adverse effect.

Introductory flight: No adverse effect.

Crew member: No adverse effect.

Cost sharing flight: No adverse effect.

4.4 Incorporation by reference

There is no material incorporated by reference in the draft rules. However, there will be material incorporated by reference in the NVIS and PBCS notices.

4.5 Civil Aviation (Offences) Regulations 2006

Schedule 1 of the Civil Aviation (Offences) 2006 is made by the Governor General pursuant to section 100 of the Civil Aviation Act 1990 and contains a list of summary and infringement penalties associated with offences against various civil aviation rules.

New offences and penalties are required for the new rules regarding NVIS, PBCS, helicopter hover entry and exit, the new crew member category, cost sharing flight and introductory flight. Given the time constraint to have the new rules in force by April 2024, the CAA has mainly focussed on developing the NPRM first and getting it published for public consultation. The draft offences will be developed in due course.

4.6 CAA Notices:

There will be 3 CAA notices developed and published for public consultation once the new rules are in force. These notices are to give full effect to rules for NVIS, PBCS and the new crew member category.

5. Submissions on the NPRM

5.1 Submissions are invited

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rulemaking is taken. If there is a need to make any significant change to the rule requirements in this proposal as a result of the submissions received, then interested persons may be invited to make further submissions.

5.2 Examination of submissions

All submissions will be available for examination by interested persons both before and after the closing date for submissions. A consultation summary will be published on the CAA web site.

Submissions may be examined by appointment with the Docket Clerk during business hours on weekdays, except statutory holidays. Appointments to examine submissions are to be arranged by phone or email docket@caa.govt.nz.

5.3 Official Information Act

Submitters should note that subject to the Official Information Act 1982 any information attached to submissions will become part of the docket file and will be available to the public for examination.

Submitters should state clearly if there is any information in their submission that is commercially sensitive or for some other reason the submitter does not want the information to be released to other interested parties. The CAA will consider this in making a decision in respect of any Official Information Act requests. It should be noted that the CAA cannot guarantee confidentiality in respect of any specific submissions.

5.4 How to make a submission

5.4.1 Submission response sheet

A submission response sheet may be downloaded from our website and sent by the following methods:

e-mail: docket@caa.govt.nz and marked NPRM 23-01 Revision 1

by mail: Docket Clerk (NPRM 24/CAR/01)
Civil Aviation Authority
PO Box 3555
Wellington 6140
New Zealand

5.5 Final date for submissions

Comments must be received by close of business on Friday 9th August 2024.

5.6 Availability of the NPRM:

Any person may obtain a copy of this NPRM from–

CAA web site: www.caa.govt.nz;

or from:

Docket Clerk

Phone: 64–4–560 9640 (quoting NPRM 23-01 Revision 1)

5.7 Further information

For further information, contact:

Salote Raiwalui

Rules Drafter

Salote.Raiwalui@caa.govt.nz

[Note: Inserted texts are shaded, deleted texts are ~~struck through and shaded~~]

Night Vision Imaging Systems (NVIS)

Part 61 Pilot licences and Ratings

61.7 Pilot licences, ratings, and permits

(a) The following pilot licence types, ratings and permits are issued by the Director under section 9 of the Act in accordance with the applicable requirements of this Part:

(1) *Revoked*

- (2) private pilot licence
- Aeroplane:
 - Helicopter:
 - Glider:

- (3) commercial pilot licence
- Aeroplane:
 - Helicopter:
 - Balloon:
 - Glider:

- (4) airline transport pilot licence
- Aeroplane:
 - Helicopter:

- (5) instrument rating
- Aeroplane:
 - Helicopter:

- (6) flight instructor rating category A, B, C, D, and E
- Aeroplane:
 - Helicopter:

- (7) flight examiner rating
- Airline:
 - General aviation:
 - Agricultural:

(8) validation permit:

- (9) agricultural rating Grade 1 and 2
- Aeroplane:
 - Helicopter.

(aa) Despite paragraph (a)(2), a private pilot licence referred to in rule 61.35(a)(1)(ia) must not be issued for a glider.

(b) The following ratings are issued under this Part in accordance with the applicable requirements of this Part:

- (1) aircraft type rating:
- (2) aerobatic flight rating:
- (3) glider tow rating:
- (4) parachute drop rating:

- (5) *Revoked*:
- (6) pilot chemical rating:
- (7) aerial topdressing rating:
- (8) aerial spraying rating:
- (9) aerial vertebrate toxic agent (VTA) rating:
- (10) night vision imaging systems (NVIS) rating.

61.107 Limitations

- (a) A person who does not hold a current pilot licence issued in accordance with this Part must not act as pilot-in-command of an aircraft—
 - (1) for remuneration; or
 - (2) if the aircraft is being operated for hire or reward; or
 - (3) on an international flight; or
 - (4) if any other person is being carried on the aircraft other than a flight examiner or flight instructor.
- (b) In addition to paragraph (a), a person who holds a medical certificate under rule 61.105(a)(2)(ii) must not act as pilot-in-command of an aircraft operating—
 - (1) at night or using NVIS; or
 - (2) into or out of a controlled aerodrome unless the licence holder has provided the Director with evidence of a successful colour vision screening test that is acceptable to the Director; or
 - (3) over a congested area of a city or town, except for the purpose of take-off and landing.

61.153 Eligibility requirements

- (a) Except as provided in paragraphs (b) and (c), to be eligible for the issue of a private pilot licence a person must—
 - (1) be at least 17 years of age; and
 - hold—
 - (i) at least a current class 2 medical certificate issued under the Act; or
 - (ii) a current medical certificate referred to in rule 61.35(a)(1)(ia); and
 - (2) have the minimum of—
 - (i) 50 hours flight time experience as a pilot in the appropriate category of aircraft comprising solo flight time, dual flight time, instrument time, and cross-country flight time acceptable to the Director; or
 - (ii) if the person is not seeking to exercise private pilot privileges on a cross-country flight, 40 hours flight time experience as a pilot in the appropriate category of aircraft comprising solo flight time, instrument time, and dual flight time acceptable to the Director; and
 - (3) night flight experience acceptable to the Director if the person seeks to exercise private pilot privileges at night; and
- (3a) in addition to paragraph (3), appropriate night flight using NVIS experience as specified in a notice under rule 91.273, if the person seeks to exercise private pilot privileges at night using NVIS; and
- (4) if the person seeks to exercise private pilot (helicopter) privileges in the carriage of sling loads, have flight training on the carriage of sling loads acceptable to the Director; and

- (5) have a valid written examination credit, or approved equivalent, that covers the following private pilot licence subject areas:
- (i) air law;
 - (ii) air navigation and flight planning;
 - (iii) meteorology;
 - (iv) aircraft technical knowledge (Aeroplane or Helicopter), as appropriate;
 - (v) human factors;
 - (vi) flight radiotelephony; and
- (6) have successfully demonstrated the following to a flight examiner in a flight test:
- (i) knowledge in the ground examination subjects specified in paragraph (6), including those detailed in the examination knowledge deficiency reports;
 - (ii) knowledge of the privileges and limitations of a private pilot licence;
 - (iii) technical and operational knowledge relevant to the aircraft type to be used in the flight test;
 - (iv) competence to operate the aircraft within its performance capabilities and limitations in accordance with the aircraft flight manual in all normal, abnormal, and emergency conditions and procedures while exercising appropriate levels of judgement and command;
 - (v) competence in radiotelephony (RTF) procedures and phraseology;
 - (vi) control of the aircraft at all times in a manner that ensures the successful outcome of a procedure or manoeuvre is never in doubt; and
- (7) if applicable, comply with all the requirements of a notice issued under Subpart I.
- (b) Under section 9 of the Act, a person who holds a current pilot licence and associated medical certificate issued by an ICAO Contracting State may have the licence and medical certificate recognised by the Director for the purpose of the Director issuing a private pilot licence to the person, for the same category of aircraft.
- (c) A person who holds a current glider pilot certificate issued by a gliding organisation under delegated authority from the Director is eligible for the issue of a private pilot licence (Glider) if the person—
- (1) is at least 17 years of age; and
 - (2) holds a flight radiotelephony examination credit; and
 - (3) holds at least a current class 2 medical certificate issued under the Act.
- (d) Qualifications held by a member of the New Zealand Defence Force who is in current flying practice as a first or second pilot may be accepted by the Director as meeting the requirements in—
- (1) paragraph (a)(6), if the person has passed the appropriate air law examination in the 5 years before applying for the issue of the private pilot licence; and
 - (2) paragraph (a)(7).

61.155 Privileges and limitations

- (a) Subject to paragraphs (b) and (bb), the holder of a current private pilot licence may—
- (1) act as pilot-in-command of an aircraft of the category for which the pilot licence is granted and for which the pilot holds an aircraft type rating, and may carry passengers in the aircraft; and
 - (2) act as a co-pilot of an aircraft of the category for which the pilot licence is granted and for which the pilot holds an aircraft type rating, and which is required to be operated with a co-pilot.

- (b) The holder of a private pilot licence must not act as pilot-in-command or as co-pilot of an aircraft—
- (1) for remuneration; or
 - (2) if the aircraft is being operated for hire or reward; or
 - (3) if the aircraft is—
 - (i) being operated at night or being operated using NVIS; or
 - (ii) being operated on a cross country flight; or
 - (iii) a helicopter carrying a sling load—

unless an appropriately qualified flight instructor has certified in the holder's logbook that the holder has satisfactorily completed the flight training required to perform that activity; or
 - (4) if applicable, unless the holder has complied with all the requirements of a notice issued under Subpart I.
- (bb) The holder of a private pilot licence who only holds a current medical certificate referred to in rule 61.35(a)(1)(ia) must not act as pilot-in-command or co-pilot –
- (1) of any aircraft with a MCTOW exceeding 2, 730 kg:
 - (2) of any pressurised aircraft exceeding 25, 000 feet AMSL:
 - (3) of an aircraft –
 - (i) operating outside of New Zealand, unless a foreign country permits the holder of the private pilot licence to operate in that country:
 - (ii) operating under IFR:
 - (iii) operating into or out of a controlled aerodrome unless the holder maintains radio contact with the appropriate ATS unit at all times:
 - (iv) performing an agricultural aircraft operation:
 - (v) performing a banner tow operation below 500 feet AGL:
 - (vi) performing a drogue tow operation below 500 feet AGL:
 - (vii) performing a parachute drop operation exceeding 10, 000 feet AMSL:
 - (viii) while exercising the privileges of an aerobatics rating:
 - (ix) despite paragraph (a)(1), carrying more than 5 passengers;
 - (x) that is being operated at night exceeding 25 nm of a lit aerodrome; or
 - (xa) that is being operated at night using NVIS.
- (bd) Despite paragraph (bb)(3)(iii), the holder of a private pilot licence who only holds a current medical certificate referred to in rule 61.35(a)(1)(ia) is not required to have radio contact with the appropriate ATS unit at all times if the person has already successfully passed a colour deficiency screening test that is acceptable to the Director, and the flight has been approved by the ATS Unit.
- (bf) Despite paragraphs (a)(1) and (bb)(3)(ix), the holder of a private pilot licence who only holds a medical certificate referred to in rule 61.35(a)(1)(ia) must not carry a passenger while performing an aerobatic manoeuvre.
- (c) Despite paragraph (b)(2), the holder of a current private pilot licence may act, but not for remuneration, as pilot-in-command or as a co-pilot of an aircraft that is operated for hire or reward to tow a glider in flight, but only if the operation is under the direct control of a gliding organisation, or under the authority of an adventure aviation operator certificate issued by the Director under the Act and Part 115.

61.203 Eligibility requirements

- (a) To be eligible for a commercial pilot licence, a person must—
- (1) be at least 18 years of age; and
 - (2) in the case of an aeroplane and helicopter, hold a current private pilot licence for the appropriate category of aircraft; and
 - (3) hold a current class 1 medical certificate issued under the Act; and
 - (4) have the following minimum general flight time experience as a pilot comprising specific flight experience that is acceptable to the Director for the appropriate category of aircraft:
 - (i) in the case of an aeroplane, 200 hours or, if undertaking a course of approved training, 150 hours;
 - (ii) in the case of a helicopter, 150 hours or, if undertaking a course of approved training, 125 hours;
 - (iii) in the case of a glider, 150 hours;
 - (iv) in the case of a balloon, 50 hours; and
 - (5) have night flight time experience acceptable to the Director if the person seeks to exercise commercial pilot privileges during the night; and
- (5a) in addition to paragraph (5), have appropriate night flight experience as specified in a notice under rule 91.273 if the person seeks to exercise commercial pilot privileges during the night using NVIS; and
- (6) have a valid written examination credit, or approved equivalent, that covers the following commercial pilot licence subject areas:
 - (i) air law;
 - (ii) flight navigation general;
 - (iii) meteorology;
 - (iv) principles of flight and aircraft performance (Aeroplane), (Helicopter), or (Glider), as appropriate;
 - (v) general aircraft technical knowledge (Aeroplane), (Helicopter), or (Glider), as appropriate;
 - (vi) balloon technical knowledge and aerostatics, (Balloon);
 - (vii) human factors; and
 - (7) have successfully demonstrated the following to the Director in a flight test:
 - (i) knowledge in the ground examination subjects specified in paragraph (6), including those detailed in the examination knowledge deficiency reports;
 - (ii) knowledge of the privileges and limitations of a commercial pilot licence;
 - (iii) technical and operational knowledge relevant to the aircraft type to be used in the flight test;
 - (iv) competence to operate the aircraft within its performance capabilities and limitations in accordance with the aircraft flight manual in all normal, abnormal and emergency conditions and procedures while exercising appropriate levels of judgement and command;
 - (v) competence in radiotelephony (RTF) and phraseology;
 - (vi) control of the aircraft at all times in a manner that ensures the successful outcome of a procedure or manoeuvre is never in doubt; and
 - (vii) if applicable, comply with all the requirements of a notice issued under Subpart I.

(b) Qualifications held by a member of the New Zealand Defence Force who is in current flying practice as a first or second pilot may be accepted by the Director as meeting the requirements in—

- (1) paragraph (a)(2); and
- (2) paragraph (a)(6), if the person has passed the appropriate air law examination in the 5 years prior to applying for the issue of a commercial pilot licence; and
- (3) paragraph (a)(7).

61.205 Privileges and limitations

(a) Subject to paragraph (b), a current commercial pilot licence authorises the holder to exercise the following privileges in aircraft of the same category for which the pilot licence is granted and for which the pilot holds an aircraft type rating:

- (1) any of the appropriate privileges of a private pilot licence:
- (2) act as pilot-in-command of an aircraft that is certificated for single pilot operation and engaged on an operation for hire or reward:
- (3) act as pilot-in-command of an aircraft that is certificated for multi-pilot operation and engaged on an operation for hire or reward, that is not an air transport operation:
- (4) act as co-pilot of an aircraft that is certificated for multi-pilot operation and engaged on an operation for hire or reward.

(b) The holder of a commercial pilot licence must not act as pilot-in-command or as co-pilot of an aircraft at night, unless—

- (1) an appropriately qualified flight instructor has certified in the holder's logbook that the holder has satisfactorily completed the required night flight training, or the required night flight using NVIS training if applicable; and
- (2) that the person complies with all the requirements of a notice issued under Subpart I if applicable.

61.303 Eligibility requirements

Category E flight instructor

(a) To be eligible for the issue of a Category E flight instructor rating, a person must—

- (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
- (2) hold a current Grade 1 agricultural rating for the appropriate category of aircraft with a rating to conduct aerial topdressing, aerial spraying, or aerial VTA as appropriate; and
- (3) have a minimum of 2000 hours flight time experience on agricultural aircraft operations which must include—
 - (i) if the person seeks to instruct in aerial topdressing, a minimum of 100 hours flight time experience of aerial topdressing as a pilot in the appropriate category of aircraft:
 - (ii) if the person seeks to instruct in aerial spraying, a minimum of 100 hours flight time experience of aerial spraying as a pilot in the appropriate category of aircraft:
 - (iii) if the person seeks to instruct in aerial VTA operations, a minimum of 100 hours flight time experience as a pilot in the appropriate category of aircraft, comprising flight time experience on aerial topdressing operations and at least 50 hours of flight time experience on aerial VTA operations; and
- (4) *Revoked*
- (5) *Revoked*

- (6) demonstrate to the Director adequate technical knowledge of agricultural aviation by passing an oral examination and a flight test that are acceptable to the Director; and
- (7) if not already the holder of a current flight instructor rating, have satisfactorily completed an approved instructional techniques course within the 12 months prior to applying for a Category E flight instructor rating, or such other period acceptable to the Director.

Category D flight instructor

- (b) To be eligible for the issue of a Category D flight instructor rating, a person must—
 - (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
 - (2) have a minimum of 700 hours flight time experience as a pilot including pilot-in-command experience acceptable to the Director; and
 - (3) have night flight experience acceptable to the Director if the person seeks to instruct at night; and
 - (3a) in addition to paragraph (3), have appropriate night flight experience using NVIS as specified in a notice under rule 91.273 if the person seeks to instruct at night using NVIS;
 - (4) if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and
 - (5) if the person seeks to instruct in instrument flight, have an appropriate current instrument rating; and
 - (6) demonstrate to the Director the ability to competently instruct for aircraft type conversion by passing an oral examination and a flight test that are acceptable to the Director; and
 - (7) if not already the holder of an instructor rating, have satisfactorily completed an approved course in the practice and theory of flight instruction.

Category C flight instructor

- (c) To be eligible for the issue of a Category C flight instructor rating, a person must—
 - (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
 - (2) have a minimum of 200 hours flight time experience as a pilot in the appropriate category of aircraft comprising specific flight experience that is acceptable to the Director; and
 - (3) if the person seeks to instruct at night, have night flight experience acceptable to the Director; and
 - if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and
 - (4) if the person seeks to instruct in spinning or aerobatic manoeuvres in aeroplanes, have aerobatic experience acceptable to the Director; and
 - (5) have satisfactorily completed an approved course in the practice and theory of flight instruction; and
 - (6) have passed oral examinations in the following subject areas:
 - aeroplane or helicopter principles of flight and performance, as appropriate:
 - (i) meteorology;
 - (ii) cross-country navigation techniques;
 - (iii) the practice and theory of flight instruction;
 - (7) have a minimum of 25 hours dual flight instructor training or approved equivalent; and

- (8) demonstrate to the Director the ability to give flight instruction in the appropriate category of aircraft in all normal and emergency flight manoeuvres by passing an oral examination and a flight test that are acceptable to the Director.

(ca) A person who holds a current New Zealand Defence Force flight instructor qualification may be accepted by the Director as meeting the requirements in—

- (1) paragraph (c)(2); and
- (2) paragraph (c)(6), if the person's New Zealand Defence Force instructor qualification is for aeroplanes; and
- (3) paragraph (c)(8).

Category B flight instructor

(d) To be eligible for the issue of a Category B flight instructor rating, a person must—

- (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
- (2) be the holder of a Category C flight instructor rating or approved equivalent for the appropriate category of aircraft; and
- (3) have a minimum of 500 hours flight time experience as a pilot in the appropriate category of aircraft comprising specific flight experience that is acceptable to the Director; and
- (4) have night flight experience acceptable to the Director if the person seeks to instruct at night; and

(4a) in addition to paragraph (4), have appropriate night flight experience using NVIS as specified in a notice under rule 91.273 if the person seeks to instruct at night using NVIS;

- (5) have multi-engine flight experience acceptable to the Director if the person seeks to instruct in multi-engine aircraft; and
- (6) have aerobatic experience acceptable to the Director if the person seeks to instruct in spinning or aerobatic manoeuvres in an aeroplane; and
- (7) have passed oral examinations in the following subject areas:
 - (i) aeroplane or helicopter principles of flight and performance as appropriate;
 - (ii) meteorology;
 - (iii) cross-country navigation techniques;
 - (iv) the practice and theory of flight instruction; and
- (8) demonstrate to the Director the ability to give flight instruction in the appropriate category of aircraft in all normal and emergency flight manoeuvres by passing an oral examination and a flight test that are acceptable to the Director.

(da) A person who holds a current New Zealand Defence Force flight instructor qualification may be accepted by the Director as meeting the flight time experience required by paragraph (d)(3) for the issue of a Category B flight instructor rating.

Category A flight instructor

(e) To be eligible for the issue of a Category A flight instructor rating, a person must—

- (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
- (2) be the holder of a Category B flight instructor rating or approved equivalent for the appropriate category of aircraft; and
- (3) in the case of an aeroplane, be the holder of an instrument rating; and

- (4) have a minimum of 1250 hours experience in the appropriate category of aircraft comprising specific flight experience that is acceptable to the Director; and
- (5) if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and
- (6) have passed oral examinations in the following subject areas:
 - (i) aeroplane or helicopter principles of flight and performance as appropriate:
 - (ii) meteorology:
 - (iii) cross-country navigation techniques:
 - (iv) the practice and theory of flight instruction; and
- (7) demonstrate to the Director an above average ability to give flight instruction in the appropriate category of aircraft during the day and night in all normal and emergency flight manoeuvres (including in the case of an aeroplane, spinning and aerobatic manoeuvres) by passing an oral examination and a flight test that are acceptable to the Director.

61.305 Privileges and limitations

Category E flight instructor

- (a) An appropriate current Category E flight instructor rating authorises the holder to—
 - (1) give technical and flight instruction in agricultural aircraft operations to the holder of a current pilot licence for the purpose of aerial topdressing, aerial spraying, or aerial VTA:
 - (2) authorise solo practice in aerial topdressing, aerial spraying, or aerial VTA by the holder of a current pilot licence who does not hold an agricultural rating:
 - (3) give conversion instruction and issue an agricultural aircraft type rating under rule 61.55, if the instructor has at least 50 hours flight time experience as pilot-in-command in the same type of aircraft to be used for instruction:
 - (4) [Revoked]
 - (5) conduct competency checks for agricultural ratings under rule 61.707:
 - (6) conduct competency checks under Subpart OA (aerial topdressing), Subpart OB (aerial spraying), and Subpart OC (aerial VTA):
- (b) A flight instructor holding a Category E flight instructor rating must not exercise the privileges specified in—
 - (1) paragraph (a) unless the flight instructor holds an appropriate pilot licence, and aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used; and
 - (2) paragraph (a)(1), unless the flight instructor holds an appropriate and current rating for the agricultural aircraft operation being conducted.
- (c) [Revoked]

Category D flight instructor

- (d) Subject to paragraphs (e), (f), and (g), an appropriate current Category D flight instructor rating authorises the holder to—
 - (1) give the holder of a pilot licence instrument flight instruction to the standard required for an instrument rating using radio aids to navigation; and
 - (2) conduct aircraft type ratings.

(e) Paragraph (d) applies only to a Category D flight instructor who holds an aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used for such instruction.

(f) The holder of a Category D flight instructor rating must not give instrument flight instruction, unless the instructor is the holder of a current instrument rating for—

- (1) the appropriate category of aircraft; and
- (2) the approach aid or system used for instruction.

(g) Unless an appropriately authorised flight examiner has certified in the holder's logbook that the holder has the necessary experience and demonstrated competence in that activity, the holder of a Category D flight instructor rating must not instruct—

- (1) at night or use NVIS; or
- (2) in a multi-engine aircraft; or
- (3) in instrument flight.

Category C flight instructor

(h) Subject to paragraphs (i), (j), (k), and (l), an appropriate current Category C flight instructor rating authorises the holder, when under the supervision of the holder of an appropriate current Category A or B flight instructor rating, to—

- (1) give flight instruction; and
- (2) authorise a solo flight other than a first solo flight by a student pilot by day; and
- (3) authorise a solo flight other than a first solo flight by a student pilot by night; and
- (4) record in a pilot's logbook that the pilot has complied with any requirements prescribed for pilots that require logbook certification in accordance with Category C flight instructor privileges; and
- (5) conduct aircraft type ratings.

(i) Paragraph (h) applies only to a Category C flight instructor who holds an aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used for such instruction or assessment.

(j) The holder of a Category C flight instructor rating must not exercise the privileges in paragraph (h) unless for at least the first 6 consecutive months and for a minimum of the first 100 hours of instructional flying, the flight instructor is under the direct supervision of the holder of a Category A or B flight instructor rating who is—

- (1) on the same aerodrome, at the same time; and
- (2) directly responsible for the flight instruction actions of the flight instructor under supervision.

(k) The holder of a Category C flight instructor rating must not give instrument flight instruction in IMC or on an IFR flight plan, unless the instructor is the holder of a current instrument rating for—

- (1) the appropriate category of aircraft; and
- (2) the approach aid or system used for instruction.

(l) Unless an appropriately authorised flight examiner has certified in the holder's logbook that the holder has the necessary experience and demonstrated competence in that activity, the holder of a Category C flight instructor rating must not instruct—

- (1) at night; or
- (2) in a multi-engine aircraft; or
- (3) in the case of an aeroplane, in spinning or aerobatics.

(la) The holder of a Category C flight instructor must not use NVIS if allowed to instruct at night under paragraph (1)(1).

Category B flight instructor

(m) Subject to paragraphs (n), (o), and (p), an appropriate current Category B flight instructor rating authorises the holder to—

- (1) give flight instruction; and
- (2) authorise a solo flight; and
- (3) record in a pilot's logbook that the pilot has complied with any requirements prescribed for pilots that require logbook certification; and
- (4) conduct aircraft type ratings; and
- (5) conduct biennial flight reviews.

(n) Paragraph (m) applies only to a Category B flight instructor who holds an aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used for such instruction or assessment.

(o) The holder of a Category B flight instructor rating must not give instrument flight instruction in IMC or on an IFR flight plan, unless the instructor is the holder of a current instrument rating for—

- (1) the appropriate category of aircraft; and
- (2) the approach aid or system used for instruction.

(p) Unless an appropriately authorised flight examiner has certified in the holder's logbook that the holder has the necessary experience and demonstrated competence in that activity, the holder of a Category B flight instructor rating must not instruct—

- (1) at night or use NVIS; or
- (2) in a multi-engine aircraft; or
- (3) in the case of an aeroplane, in spinning or aerobatics.

Category A flight instructor

(q) Subject to paragraphs (r), (s), and (t), an appropriate current Category A flight instructor rating authorises the holder to—

- (1) give flight instruction during the day or night; and
- (1a) in addition to paragraph (1), give flight instruction during the night using NVIS if applicable; and
- (2) authorise a solo flight during the day or night; and
- (2a) in addition to paragraph (2), authorise a solo flight during the night using NVIS if applicable; and
- (3) record in a pilot's logbook that the pilot has complied with any requirements prescribed for pilots that require logbook certification; and
- (4) conduct aircraft type ratings; and
- (5) conduct biennial flight reviews; and
- (6) give spinning and aerobatic instruction.

(r) Paragraph (q) applies only to a Category A flight instructor who holds an aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used for such instruction or assessment.

- (s) The holder of a Category A flight instructor rating must not give instrument flight instruction in IMC or on an IFR flight plan, unless the instructor is the holder of a current instrument rating for—
- (1) the appropriate category of aircraft; and
 - (2) the approach aid or system used for instruction.
- (t) The holder of a Category A flight instructor rating must not instruct in multi-engine aircraft unless an appropriately authorised flight examiner has certified in that holder's logbook that the holder has the necessary experience and has demonstrated competence in that activity.

Subpart T Night vision imaging systems rating

61.935 Eligibility requirements

- (a) To be eligible for the issue of a night vision imaging systems rating, a person must –
- (1) hold at least a current private pilot licence in the appropriate category of aircraft; and
 - (2) hold at least a current class 2 medical certificate issued under the Act; and
 - (3) have appropriate flight experience as specified in a notice under rule 91.273; and
 - (4) have successfully completed the following –
 - (i) an approved NVIS ground training course as specified in a notice under rule 91.273; and
 - (ii) an approved NVIS flight training course for the same type of aircraft as the one intended for NVG operations as specified in a notice under rule 91.273; and
 - (iii) a NVIS initial flight check conducted by an appropriately qualified flight instructor or flight examiner which includes as a minimum, the person is to demonstrate competency in those areas specified in a notice under rule 91.273.

61.937 Issue

- (a) If the flight instructor or flight examiner who conducted the competency demonstration referred to in rule 61.935(a)(4)(iii) is satisfied that the pilot complies with rule 61.935, the flight instructor or flight examiner may issue the NVIS rating by entering the following statement in the pilot's logbook:

I certify that on [date of assessment] [name of pilot and licence number] has satisfied the requirements of Civil Aviation Rules Part 61 for the issue of a NVIS rating for helicopter/aeroplane. [enter the date, full name, signature, and licence number of the flight instructor/flight examiner issuing the rating].

- (b) The holder of a NVIS rating issued under paragraph (a) may apply to the Director to have the rating endorsed on the holder's pilot licence.
- (c) On receiving an application and payment of the applicable fee, the Director may endorse the pilot licence with the NVIS rating.
- (d) A pilot who holds a NVIS rating endorsed by the Director immediately before [date that NIVIS rules come into force] is deemed to have a NVIS rating endorsed under paragraph (c).

61.939 Recognition of New Zealand Defence Force NVIS qualifications

A pilot who has a New Zealand Defence Force NVIS qualification may be certified for night flying using NVIS if the pilot has completed the night flight training required under this Part and has completed the NVIS recurrent training as specified in a notice under rule 91.273.

61.941 Recognition of foreign NVIS qualifications

A person who holds a foreign NVIS qualification from an ICAO contracting State may be certified for operating an aircraft at night using NVIS if the person has completed the night flying training required under this Part or as specified in a notice under rule 91.273.

61.943 Privileges and limitations

- (a) The holder of a current NVIS rating may act as pilot-in-command of an aircraft operating at night using NVIS.
- (b) Paragraph (a) is subject to the privileges and limitations of the holder's pilot licence.

61.945 Currency requirements

- (a) Except as provided in paragraph (b), a pilot who holds a NVIS rating must not exercise the privileges of the rating unless the pilot has —
 - (1) successfully demonstrated instrument competency to an appropriately qualified flight instructor in the preceding 90 days by-
 - (i) completing at least 3 instrument approaches and holding procedures; or
 - (ii) any other manoeuvres as specified in a notice under rule 91.273; and
 - (2) completed an annual NVIS competency check with an appropriately qualified flight instructor;
 - (3) completed recurrent NVIS training in the preceding 12 months covering areas specified in a notice under rule 91.273;
 - (4) completed any other appropriate training or NVG aircraft operations as specified in a notice under rule 91.273; and
 - (5) a record to that effect has been entered in the pilot's logbook as required by rule 61.29.
- (b) A pilot who holds a NVIS rating and has not operated an aircraft at night using NVIS for 12 months or more must not carry out such an operation unless the pilot has successfully completed a requalification training course as specified in a notice under rule 91.273.
- (c) A pilot who holds a current instrument rating is not required to demonstrate instrument competency under paragraph (a)(1).

Consequential amendments:

Part 91 General Operating Rules

91.131 Low flying zones

- (a) A pilot must not operate an aircraft within a low flying zone designated under Part 71 —
 - (1) during the night or use NVIS; or
 - (2) during the day unless—
 - (i) the pilot—
 - (A) is receiving dual flight instruction; or
 - (B) holds an instructor rating issued under Part 61; or
 - (C) is briefed on the boundaries of the low flying zone and the method of entry and exit from the low flying zone and is authorised for that flight by the holder of an instructor rating issued under Part 61; and

- (ii) the pilot has been briefed by the using agency on the conditions of operation for flight within the low flying zone; and
- (iii) the pilot complies with the conditions of operation for flight within the low flying zone; and
- (iv) before entering the low flying zone, the pilot broadcasts on the appropriate VHF frequency details of the flight and the proposed duration in the low flying zone; and
- (v) the pilot maintains a listening watch on the appropriate VHF frequency while in the low flying zone and broadcasts or reports on vacating the low flying zone.

(b) A pilot operating an aircraft within a low flying zone designated under Part 71 must ensure that the aircraft is operated without hazard to persons or property on the surface.

(c) A pilot operating an aircraft within a low flying zone designated under Part 71 must not carry a passenger on the aircraft.

91.137 Volcanic hazard zones

A pilot must not operate an aircraft within a volcanic hazard zone designated under Part 71—

- (1) during the night or use NVIS; or
- (2) in IMC; or
- (3) in VMC during the day unless the pilot determines that, after considering all of the following, the volcanic hazard will not affect the safety of the flight:
 - (i) relevant meteorological information contained in SIGMET;
 - (ii) NOTAM information;
 - (iii) other information provided for this purpose by an organisation that holds a meteorological service certificate issued by the Director under the Act and Part 174.

91.139 General aviation areas

A pilot must not operate an aircraft within a general aviation area designated under Part 71—

- (1) during the night or use NVIS; or
- (2) during the day unless—
 - (i) the general aviation area is active permanently during the day; or
 - (ii) if the general aviation area is made active by the approval of the ATC unit responsible for the airspace, an approval has been given by the ATC unit to operate within the general aviation area and the pilot complies with any request from the ATC unit to vacate the general aviation area; or
 - (iii) if the general aviation area is made active by notification from an airspace user to the ATC unit responsible for the airspace, prior notification has been given to the ATC unit, and the ATC unit has confirmed that the general aviation area is active.

91.233 Aircraft lights

(a) A pilot of an aircraft must not—

- (1) operate an aircraft at night unless it has lighted position lights; or
- (2) moor or move an aircraft at night on a water aerodrome unless the aircraft complies with the lighting requirement of the International Regulations for Preventing Collisions at Sea; or
- (3) operate an aircraft at night that is required by Subpart F to be equipped with an anti-collision light system unless the anti-collision light system is operating.; or

- (3a) operate an aircraft at night using NVIS unless the aircraft's internal and external lighting meets the performance requirements as specified in a notice under rule 91.273.
- (b) A person must not park or move an aircraft at night on a manoeuvring area of an aerodrome that is in use for aircraft operations unless the aircraft—
- (1) is clearly illuminated; or
 - (2) has lighted position lights; or
 - (3) is in an area that is marked by obstruction lights.
- (c) Notwithstanding Despite paragraph (a)(3), a pilot of an aircraft is not required to operate the anti-collision light system if the pilot determines that, because of operating conditions, it is in the best interest of safety to turn the system off.

91.271 Requirements for operating an aircraft at night using NVIS

- (a) A person must not operate an aircraft at night using NVIS unless –
- (1) the aircraft and NVIS meet the airworthiness and performance requirements –
 - (i) determined by the Director as specified in a notice under rule 91.273; or
 - (ii) the Director accepts as equivalent to those in paragraph (i);
 - (2) the person –
 - (i) is suitably trained and qualified to operate the aircraft using NVIS as specified under Part 61 or in a notice; and
 - (ii) complies with the operational procedures and any limitations associated with operating an aircraft at night using NVIS as specified in a notice under rule 91.273.
- (b) A person operating an aircraft at night to carry out NVIS training must not carry a passenger on the aircraft.

91.273 Director may determine airworthiness and performance requirements and related matters in a notice

- (a) After complying with the procedures referred to in rule 91.273B, the Director may determine, as specified in a notice,—
- (1) the airworthiness and performance requirements for an aircraft operating at night using NVIS;
 - (2) the airworthiness and performance requirements for NVIS;
 - (3) the requirements regarding the testing, installation and approval of NVIS;
 - (4) suitable training requirements, courses, manoeuvres or NVG aircraft operations for a person operating an aircraft at night using NVIS;
 - (5) the requirements for the appropriate night flight using NVIS experience;
 - (6) the operational procedures and any limitations associated with operating an aircraft at night using NVIS;
 - (7) the areas of competencies on the eligibility requirements for the issue of a NVIS rating referred to in rule 61.935(a)(4)(iii); and
 - (8) definitions and abbreviations to give full meaning to the terms used in a notice under rule 91.273.
- (b) A person must comply with any requirement specified in a notice referred to in paragraph (a) if the requirement applies to the person.
- (c) For the purposes of rule 91.271(2)(i) and this rule, **suitably trained** and **suitable training** means the person meets all the applicable training requirements specified in a notice and under Part 61.

91.273B Procedures for ADS-B notice apply to NVIS notice

- (a) The procedures for the making, amending and revoking of an ADS-B notice under rules 91.258A to 91.258E apply to a NVIS notice referred to in rule 91.273.
- (b) When following the procedures, a reference to ADS-B or ADS-B systems is to be read as NVIS.

91.273C Transitional arrangements

- (a) A person who was approved by the Director to carry out operations in a particular aircraft at night using NVIS immediately before (date that the new rule comes into force) may continue to carry out NVIS operations until (one year from in-force date of new rules).
- (b) The person must comply with all the conditions regarding NVIS operations.
- (c) This rule expires on (one year from in-force date of new rules).

Part 135 Air Operations Helicopters and Small Aeroplanes**135.607 Flight crew competency assessments**

A holder of an air operator certificate must ensure that—

- (1) each pilot acting as pilot-in-command has, within the immediately preceding 12 months, passed a route check and aerodrome proficiency that is administered by a flight examiner and that—
 - (i) consists of a ground-based procedure check over 1 route segment, and a flight check with 1 or more landings at an aerodrome representative of the operations to be flown; and
 - (ii) establishes that the pilot can satisfactorily perform the duties and responsibilities of a pilot-in-command in air operations appropriate to this Part; and
- (2) each pilot conducting VFR operations has, within the immediately preceding 12 months, successfully completed a competency assessment, that is administered by a flight examiner and that covers procedures, including emergency procedures, of the pilot's flying skill in an aircraft type normally used by the pilot in the operation; and

(2a) in addition to paragraph (2), each pilot operating an aircraft at night under VFR using NVIS has, within the immediately preceding 12 months, successfully completed a competency assessment conducted by an appropriately qualified flight instructor or flight examiner that covers procedures of the pilot's flying skills for the safe use of NVIS, in an aircraft type normally used by the pilot in the operation; and
- (3) each pilot acting as a flight crew member of an aircraft operating under IFR has, within the immediately preceding 6 months, passed a competency assessment that is administered by a flight examiner and that—
 - (i) covers procedures, including emergency procedures, appropriate to the equipment fitted to the aircraft and to the type of air operations to which the pilot is assigned by the certificate holder; and
 - (ii) is conducted in each aircraft type used by the pilot in the operation unless the aircraft has a seating configuration of 9 seats or less, excluding any required pilot seat, in which case the check may be taken by rotation in each aircraft type with 1 in each 6-month period; and

(3a) in addition to paragraph (3), each pilot operating an aircraft at night under IFR using NVIS has, within the immediately preceding 6 months, successfully passed a competency assessment conducted by an appropriately qualified flight instructor or flight examiner that covers procedures of the pilot's flying skills for the safe use of NVIS, in an aircraft type normally used by the pilot in the operation; and
- (4) each pilot has, within the immediately preceding 12 months, successfully completed a written or oral test of the pilot's knowledge of the following:
 - (i) the relevant Civil Aviation Rules and the certificate holder's operations specifications and exposition;
 - (ii) the aircraft systems, performance, operating procedures, and the content of the flight manual for each aircraft type normally flown by the pilot;

- (iii) navigation, ATC, and meteorology:
 - (iv) special flight operations as appropriate to the type of operation normally conducted by the pilot:
 - (v) new equipment, procedures, and techniques:
 - (vi) location and operation of emergency equipment fitted to an aircraft of the type normally flown by the pilot; and
- (5) the flight examiner who administered the check or test required under paragraphs (1), (2), (3) and (4)—
- (i) certifies in the training record for the pilot that the check or test has been completed and certifies the result of the check or test; and
 - (ii) if the check or test was completed satisfactorily, certifies in the pilot logbook in accordance with rule 61.29(a)(3) satisfactory completion of the check or test; and
- (6) flight crew competency checks are carried out in an aircraft or flight simulator approved for the purpose.

135.803 Operator responsibilities

(a) A holder of an air operator certificate must not cause or permit an air operation to be performed with an aircraft unless—

- (1) a scheme has been established for the regulation of flight and duty times for every person flying as a flight crew member in the aircraft; and
- (2) the scheme addresses the following factors for air transport operations where appropriate to the operator's type of operation:
 - (i) rest periods before flight:
 - (ii) acclimatisation:
 - (iii) time zones:
 - (iv) night operations, and use of NVIS if applicable:
 - (v) maximum number of sectors:
 - (vi) single pilot operations:
 - (vii) two pilot operations:
 - (viii) two pilots plus additional flight crew members:
 - (ix) flight crew members' qualifications:
 - (x) mixed duties:
 - (xi) dead-head transportation:
 - (xii) reserve or standby period:
 - (xiii) flight duty period:
 - (xiv) in-flight relief:
 - (xv) type of operation:
 - (xvi) cumulative duty time:
 - (xvii) cumulative flight time:
 - (xviii) discretionary increases in flight time limitations or flight duty limitations or both:

- (xix) circadian rhythm:
 - (xx) days off:
 - (xxi) record-keeping; and
- (3) the scheme for commercial transport operations, complies with the following:
- (i) flight crew members must not fly in excess of 160 hours in any 30 consecutive days:
 - (ii) flight crew members must have not less than 2 days free of duty in any 14 day period:
 - (iii) flight crew members must have not less than 2 consecutive days free of duty in any 30 day period; and
- (4) the scheme is acceptable to the Director.
- (b) The operator of an aircraft performing an air operation must not cause or permit any person to fly in the aircraft as a flight crew member if the operator knows or has reason to believe that the person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while the person is flying as may endanger the safety of the aircraft or its occupants.
- (c) The operator of an aircraft performing an air operation must—
- (1) keep an accurate record of the flight time and duty time of each flight crew member; and
 - (2) retain the flight time and duty time record required by paragraph (c)(1) for a period of 12 months from the date on which it was made.

Part 1 Definitions and Abbreviations

Night vision goggles means a head-mounted, lightweight, and self-contained binocular appliance that amplifies ambient light used to enhance the ability to maintain visual reference to the surface at night:

Night vision imaging system –

- (1) refers to the integration of all of the following elements for the successful and safe operation of an aircraft using NVGs –
 - (i) operational procedures;
 - (ii) suitable training, competency and currency requirements;
 - (iii) NVGs and associated equipment;
 - (iv) lighting system and associated aircraft components;
 - (v) continuing airworthiness requirements; but
- (2) excludes –
 - (i) enhanced vision imaging system;
 - (ii) a synthetic vision system;

Enhanced vision imaging system refers to technology which uses imaging sensors to see in front and along the flight path of aircraft to display an image of the external scene topography to the flight deck:

Synthetic vision system refers to a system which uses computer generated images of the external scene topography from the perspective of the flight deck, derived from aircraft attitude, high precision navigation solutions, and databases of terrain obstacles and relevant cultural features to display a synthetic vision image of the external scene topography to the flight deck:

NVG operation means an operation during any part of which NVGs are used to maintain visual reference to the surface in an aircraft which is NVIS equipped and approved for NVIS operations:

1.2 Abbreviations

NVIS means night vision imaging system:

NVG means night vision goggles:

Performance Based Communications and Surveillance:

Part 91 General Operating and Flight Rules

91.265 Requirements for PBCS

- (a) A person must not operate an aircraft under IFR using PBCS unless all of the following requirements are met –
- (1) the aircraft meets the airworthiness and performance requirements –
 - (i) determined by the Director as specified in a notice in accordance with rule 91.267; or
 - (ii) which the Director accepts are equivalent to those in paragraph (i);
 - (2) the person –
 - (i) is suitably trained and qualified to use PBCS on the planned route and airspace as specified in a notice;
 - (ii) complies with the operational requirements and any limitations regarding the use of PBCS, planned route and airspace, as specified in a notice; and
 - (3) the Director has approved the operation if specified to do so in a notice.

91.267 Director may determine requirements for PBCS and related matters in a notice

- (a) After complying with the procedures in rule 91.267B, the Director may determine and specify in a notice –
- (1) the routes, airspaces and the application of horizontal separations based on PBCS;
 - (2) the operational requirements and limitations associated with PBCS;
 - (3) the airworthiness and performance requirements for an aircraft operating under IFR and using PBCS;
 - (4) requirements for demonstrating compliance and procedures for addressing non-compliance with PBCS;
 - (5) suitable training requirements for a person who operates an aircraft under IFR and using PBCS;
 - (6) definitions and abbreviations to give full meaning to the terms used in a notice.
- (b) A person must comply with any requirement specified in a notice referred to in paragraph (a) if the requirement applies to the person.
- (c) For the purposes of rule 91.265(2)(i) and this rule, **suitably trained and qualified** means the person meets all the applicable training requirements specified in a notice and under Part 61; and **suitable training** has a corresponding meaning.

91.267B Procedures for ADS-B notice apply to PBCS notice

- (a) The procedures for the making, amending and revoking of an ADS-B notice under rules 91.258A to 91.258E apply to a PBCS notice referred to in rule 91.267.
- (b) When following the procedures, a reference to ADS-B, ADS-B system or ADS-B systems is to be read as PBCS.

91.267C Transitional arrangements and savings

(a) An operator who was approved by the Director to operate an aircraft using PBCS [on the routes, airspaces and the application of horizontal separations] immediately before [new rule comes into force] –

- (1) is deemed to have been approved by the Director to operate an aircraft using PBCS under rule 91.265(3);
- (2) may operate an aircraft under IFR using PBCS as specified in a notice referred to in rule 91.265(1); and
- (3) must comply with all the applicable requirements specified in a notice referred to in rule 91.267(a)(2).

(b) Paragraphs (a)(2) and (3) come into force on [12 months from date of Minister signing the rule.]

Consequential amendments:**Part 1 General Definitions and Abbreviations****1.2 Abbreviations**

PBCS means Performance Based Communications and Surveillance

Aircraft unique call sign:**Part 91 General Operating and Flight Rules****91.249 Aircraft ~~callsigns~~ call sign**

(a) If required to communicate by radiotelephony under the ~~Civil Aviation~~ Rules, a pilot-in-command of a New Zealand registered aircraft must use 1 of the following radiotelephony callsigns call signs—

- (1) the telephony designator of the aircraft operating agency as approved by the Director, followed by the flight identification; or
- (2) the telephony designator of the aircraft operating agency as approved by the Director followed by the last 3 letters of the aircraft registration marking; or
- (3) the name of the aircraft manufacturer, or the aircraft model, and the last 3 letters of the aircraft registration marking; ~~or~~
- (4) a unique personalised call sign which is part of an identifiable paint scheme or markings approved under rule 47.104, that refers to the aircraft type or model, letters or numbers in a manner or form approved by the Director; or
- (5) any other similar radiotelephony call sign that is acceptable to the Director.

(b) ~~Notwithstanding~~ Despite paragraph (a)(2), the pilot-in-command may, after establishing two-way communication with an appropriate ATS unit, use an abbreviated ~~callsign~~ call sign consisting of the last 3 letters of the aircraft registration marking.

(c) The Director may only approve the ~~callsigns~~ call signs prescribed in paragraphs (a)(1) and (2) for the use of—

- (1) the holder of an air operator certificate issued under ~~the Act and~~ Part 119 or Part 129 conducting—
 - (i) a regular air transport service; or
 - (ii) a search and rescue flight; or
 - (iii) a medical transfer or medical emergency flight; and
- (2) aircraft being flown on a police operation that is authorised by the Commissioner of Police.

(d) An applicant for the approval of a telephony designator must submit to the Director in writing the name of the aircraft operating agency and a payment of the appropriate application fee prescribed by regulations made under the Act.

(e) A radiotelephony call sign that was approved by the Director through general exemption 15/EXE/43 immediately before [date that new rule comes into force] is deemed to have been approved by the Director under paragraph (a)(4).

Consequential amendment:

Part 172 Air Traffic Service Organisations — Certification

172.105 Radio and telephone procedures

(a) Each applicant for the grant of an air traffic service certificate must establish systems and procedures for ensuring that—

- (1) the standard telephony and radiotelephony phraseology prescribed in paragraph (b) is used; and
- (2) in all radiotelephony communications discipline is observed, by transmitting only those messages that are necessary for the provision of an air traffic service, or that otherwise contribute to safety; and
- (3) communications procedures are in accordance with the applicable communication procedures prescribed in ICAO Annex 10 Volume II, except that—
 - (i) procedures relating to ~~callsigns~~ call signs for domestic use by New Zealand registered aircraft are those required by rule 91.249; and
 - (ii) an aerodrome flight information service ~~shall use~~ uses the radiotelephony callsign suffix **flight service**.

(b) The applicant must establish procedures for ensuring that, for the purposes of paragraph (a), the standard phraseology, and the circumstances in which it is used, is that published in—

- (1) Subpart F; or
- (2) ICAO Annex 10; or
- (3) ICAO Document 4444; or
- (4) ICAO Document 9432.

(c) For the purposes of paragraph (b), where differences occur between the stated documents, the particular phraseology ~~shall be~~ is selected according to the order of precedence of the documents as listed.

Maintenance organisation rating requirements:

Part 145 Aircraft Maintenance Organisations Certification

145.101 Continued compliance

~~Each A~~ holder of a maintenance organisation certificate ~~shall~~ must—

- (1) hold at least one complete and current copy of its exposition at each work location specified in its exposition; and
- (1a) include a copy of a release note in its exposition for any aeronautical product issued by the organisation; and
- (2) comply with all procedures detailed in its exposition; and
- (3) make each applicable part of its 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; and
- (5) determine that each aircraft or component released to service by it is in an airworthy condition.

Consequential amendment:

Part 19 Transition Rules

19.321 Supply control procedures

- (a) An applicant for the grant of a certificate of approval for supply must establish supply control procedures—
- (1) ~~to for inspecting~~ and, if applicable, ~~testing~~ an aeronautical product to determine that it conforms to airworthiness standards acceptable to the Director, has no unsafe features, and is fit for use; and
 - (2) for the identification of each aeronautical product by—
 - (i) determining the correct description of the aeronautical product; and
 - (ii) ensuring that the aeronautical product is identical to the description determined under paragraph ~~(a)(2)~~(i); and
 - (3) for determining that each aeronautical product other than a standard part, conforms with acceptable airworthiness standards that are identified from—
 - (i) the documentation accompanying the product if the documentation is acceptable to the Director; or
 - (ii) another means that is acceptable to the Director; and
 - (4) ~~to ensure~~ for ensuring that each aeronautical product or batch of aeronautical products consigned by the supply organisation is—
 - (i) issued with a release note; or
 - (ii) accompanied by the original documents specified in paragraph (a)(3)(i); and
 - (5) ~~to ensure~~ for ensuring that every aeronautical product dispatched by the supply organisation is in a good state of preservation and is free from apparent defect or malfunction; and
 - (6) ~~to prevent~~ for preventing deterioration of, and damage to, stored items; and
 - (7) ~~to segregate~~ for segregating items for which acceptance procedures have not been completed; and
 - (8) ~~to segregate~~ for segregating and ~~dispose~~ disposing of items that do not conform to airworthiness standards acceptable to the Director; and
 - (9) for the notification, investigation, and reporting of defect incidents under Part 12.
- (b) The procedures for the issue of a release note must include a means ~~to ensure~~ for ensuring that each release note—
- (1) is identified as such; and
 - (2) is uniquely numbered; and
 - (3) is accompanied by supporting evidence from the aeronautical product manufacturer if the aeronautical product is an authorised alternative to another aeronautical product; and
 - (4) contains the following information:
 - (i) the name of the supply organisation and certificate of approval number ~~of the supply organisation issuing it~~;
 - (ii) the date of issue;
 - (iii) an identification of the aeronautical product by description and, as applicable, part, drawing, specification, serial, and batch number;
 - (iv) the eligibility and any limitations relating to the use of the aeronautical product, including shelf life and finite life;
 - (v) the quantity involved;

- (vi) details of any modifications incorporated during manufacture; and
- (5) is certified by an appropriately authorised person listed in the supply organisation's exposition; and
- (6) is issued in the form of a separate document suitable for attachment to an aeronautical product or a batch of aeronautical products.

Foreign aircraft operations:

Part 129 Foreign Air Transport Operator Certification

129.1 Applicability

- (a) Except as provided in paragraph (b), this Part ~~shall apply~~ applies to persons conducting foreign air transport operations of—
- (1) more than ~~two~~ 1 take-offs ~~or~~ and 1 landings within New Zealand in any consecutive 28 day period; or
 - (2) more than ~~eight~~ 4 take-offs ~~or~~ and 4 landings within New Zealand in any consecutive 365 day period.
- (b) This Part ~~shall~~ does not apply to operations conducted for the purposes of medical emergencies, including evacuations, or the carriage of medical supplies or body organs.

Flight attendant and cabin crew ground instructors:

Part 121 Air Operations Large Aeroplanes

121.529 Ground instructor experience requirements

A holder of an air operator certificate must not designate a person to perform the functions of a ground instructor in its crew member training programme required by rule 121.553 ~~for flight crew~~, unless that person has completed—

- (1) an instructional techniques course acceptable to the Director; and
- (2) a human factors course acceptable to the Director; and
- (3) a comprehensive training course in the subject matter area in which instruction is being provided.

121.555 Syllabus for crew member training programme

- (a) A holder of an air operator certificate must ensure that each segment of the training programme for ~~flight crews~~ ~~flight crew members~~ and flight attendants includes a syllabus that is applicable to the certificate holder's operations and is acceptable to the Director.
- (b) Each syllabus required by paragraph (a) must include at least the following elements as applicable to—
- (1) the aeroplane type to be used, including special equipment fitted for the intended operation;
 - (2) the routes and aerodromes appropriate to the intended operation;
 - (3) the crew member assignments, functions, responsibilities, and the relationship of these to the assignments, functions and responsibilities of other crew members, particularly in regard to abnormal or emergency procedures;
 - (4) training in all types of emergency and abnormal situations or procedures caused by power plant, airframe or system malfunctions, fire or other abnormalities;
 - (5) the location and operation of emergency equipment available for use by crew members;
 - (6) the location and use of oxygen equipment;

- (7) the location and use of all normal and emergency exits, including evacuation slides and escape ropes:
- (8) training on human factors and crew resource management:
- (9) training in strategies to manage risks including threat and error management:
- (10) the requirements of Part 92 regarding the carriage of dangerous goods:
- (11) security training in accordance with the air operator security programme required by rule 119.75:
- (12) the certificate holder's policies and procedures appropriate to its air operations.

Helicopter hover entry and exit:

Part 91 General Operating and Flight Rules

91.207 Occupation of seats and wearing of restraints

(a) Except as provided in paragraph (da), a pilot-in-command of an aircraft must require each passenger to occupy a seat or berth and to fasten their safety belt, restraining belt or, if equipped, shoulder harness or single diagonal shoulder belt—

- (1) during each take-off and landing; and
- (2) when the aircraft is flying at a height of less than 1000 feet above the surface; and
- (3) at other times when the pilot-in-command considers it necessary for their safety; and
- (4) during aerobatic flight; and
- (5) at all times in an open cockpit aircraft.

(b) A pilot-in-command of an aircraft may permit a passenger to unfasten a shoulder harness or single diagonal shoulder belt—

- (1) during take-off and landing; and
- (2) when the aircraft is flying at a height of less than 1000 feet above the surface— if the pilot-in-command is satisfied that such action is necessary for the passenger's performance of an essential function associated with the purpose of the flight.

(c) A pilot-in-command of an aircraft must require each passenger to place their seat in the take-off and landing configuration during take-off and landing.

(d) Paragraphs (a)(1), (2), and (3) do not apply to a child under 4 years of age if the child—

- (1) is held by an adult who is occupying a seat or berth, and the child is secured by a safety belt attached to the adult's safety belt; or
- (2) occupies a seat equipped with a child restraint system, if the child does not exceed the specified weight limit for that system and is accompanied by a parent, guardian, or by an attendant designated by the child's parent or guardian to attend to the safety of the child during the flight.

(da) A pilot-in-command of a helicopter may allow a passenger not to fasten their safety belt, restraining belt, or if equipped, shoulder harness or single diagonal shoulder belt when the aircraft is flying at a height of less than 1000 feet above the surface in order for the passenger to enter or exit from the helicopter while it is hovering.

(db) For an operation referred to in paragraph (da) that is performed by the holder of an air operator certificate, agricultural aircraft operator certificate, or training organisation certificate –

the operator of the aircraft must establish, document and implement standard operating procedures, passenger briefing procedures, training procedures and competency assessment procedures for ensuring the risk of injury

to any person entering or exiting the aircraft in the hover and any person on board the aircraft while a person is entering or exiting the aircraft in the hover, is reduced to as low as reasonably practicable.

- (dc) For an operation referred to in paragraph (da) that is performed by a person who does not hold an air operator certificate, agricultural aircraft operator certificate, or training organisation certificate –
- (1) the pilot-in-command must have been trained by an appropriate instructor in the operational techniques necessary to manage the risks associated with a person entering or exiting the aircraft in a hover and have been checked by an appropriate instructor in these techniques within the last 2 years; and
 - (2) the pilot-in-command must identify the risks associated with persons entering or exiting the aircraft in a hover and the mitigations that will be used to reduce these risks as low as reasonably practicable; and
 - (3) the pilot-in-command must brief each person that will be on board the aircraft while a person exits the aircraft in a hover and any person intending to enter the aircraft in a hover, on the mitigations identified for entering or exiting the aircraft in a hover.
- (dd) Paragraph (da) does not apply to fast roping or rappelling operations.
- (e) Paragraph (a) does not apply to passengers carried in balloons or engaged in parachute operations.

Introductory flight

Part 91 General Operating and Flight Rules

91.227H Restrictions on performing an introductory flight

- (a) A person must not act as a pilot-in-command of an aircraft performing an introductory flight unless –
- (1) the person–
 - (i) is a flight instructor who holds a current instructor rating –
 - (A) under Part 61; or
 - (B) under the authority of an aviation recreation organisation certificate issued under the Act and Part 149; and
 - (ii) meets all the applicable requirements to provide flight instruction to student pilots for the appropriate category of aircraft;
 - (2) the aircraft does not have more than one engine and has a certificated maximum seating capacity of 4 people;
 - (3) a passenger receiving flight instruction is allowed only a basic level of manipulation of the controls during a non-critical phase of the flight;
 - (4) it is an A to A flight where the aircraft only lands to swap over the person who is to receive flight instruction; and
 - (5) each accompanying passenger carried on the flight who is not manipulating the controls, is not charged separately.
- (b) The pilot-in-command must–
- (1) ensure that the flight briefing consists of a basic initial training lesson only; and
 - (2) if aerobatic manoeuvres are to be performed during the introductory flight, –
 - (i) ensure that the manoeuvres are not the primary purpose of the flight; and

(ii) ensure that the manoeuvres are not the main tasks performed and do not exceed a maximum of 2 manoeuvres; and

(iii) be appropriately qualified to instruct on aerobatic manoeuvres.

(c) For the purposes of this rule, an **introductory flight** is not an air transport operation.

Consequential amendment:

Part 1 General Definitions and Abbreviations

1.1 Definitions

Air transport operation means an operation for the carriage of passengers or goods by air for hire or reward except—

- (1) a commercial transport operation;
- (2) an adventure aviation operation;
- (3) a helicopter external load operation under Part 133;
- (4) an agricultural aircraft operation under Part 137;
- (5) ~~a trial flight~~ an introductory flight carried out under rule 91.227H.

Introductory flight means a flight of short duration offered by a flight training organisation to a prospective trainee where the dominant purpose of the flight is to encourage the new trainee to become a pilot.

New crew member:

Part 91 General Operating and Flight Rules

91.227D Restrictions for crew member carrying out specified functions necessary for purpose of a flight

(a) A person must not act as a crew member while carrying out a specified function necessary for the purpose of an operation, without an air operator certificate, unless -

- (1) the specified function is one determined by the Director and specified in a notice under rule 91.227E(a)(1); and
- (2) the circumstances under which the specified function is carried out are similar to those determined by the Director and specified in a notice under rule 91.227E(a)(2); and
- (3) the person complies with all the conditions relating to the specified function as determined by the Director and specified in a notice under rule 91.227E(a)(2); and
- (4) the person has been suitably trained to carry out the specified function.

(b) This rule applies to a person acting as a crew member for the purposes of paragraph (3a) of the **crew member** definition.

91.227E Director may determine specified functions necessary for purpose of a flight under certain circumstances and conditions in a notice

(a) After complying with rule 91.227F, the Director may determine the following in a notice –

- (1) specified functions necessary for the purpose of an operation; and
- (2) the circumstances and conditions under which those specified functions are to be carried out.

(b) A person must comply with any requirement specified in a notice referred to in paragraph (a) if the requirement applies to the person.

91.227F Procedures for ADS-B notice apply to notice made under rule 91.227D

The procedures relating to the making, amending and revoking of an ADS-B notice referred to in rules 91.258A to 91.258E apply to a notice made by the Director under rule 91.227E.

Consequential amendment:**Part 1 Definitions and Abbreviations****1.1 Definitions**

Crew member means a person carried by an aircraft who is—

- (1) assigned by the operator—
 - (i) as a flight crew member or flight attendant to perform a duty associated with the operation of the flight; or
 - (ii) to perform a duty associated with the operation of the aircraft during flight time; or
- (2) a person carried for the sole purpose of—
 - (i) undergoing or giving instruction in the control and navigation of the aircraft; or
 - (ii) undergoing instruction as a flight engineer or flight attendant; or
- (3) authorised by the Director to exercise a function associated with the operation of the aircraft during flight time; or
- (3a) a person carried to perform a specified function necessary for the purpose of an operation under certain circumstances and conditions determined by the Director as specified in a notice under rule 91.227E; or
- (4) a flight examiner.

Cost sharing flight**Part 91 General Operating and flight rules****91.227B Restrictions on performing a cost sharing flight**

- (a) A person must not act as pilot-in-command of an aircraft performing a cost sharing flight under this Part unless —
 - (1) each person, including the pilot-in-command, receives no payment or other rewards for their services;
 - (2) each person carried by the aircraft —
 - (i) share equally in the direct costs of the flight; and
 - (ii) the pilot-in-command pays no less than an equal share of the cost;
 - (3) a payment or other reward is not required of a person on the flight other than the direct costs of the flight;
 - (4) the aircraft that is being operated has a maximum certificated seating capacity of 6 or fewer seats;
 - (5) the flight is not a routine scheduled flight; and
 - (6) the flight is not advertised to the public and limited to family members, friends or associates.
- (b) Paragraph (a) is subject to the restrictions specified in rule 61.155(bb).
- (c) For the avoidance of doubt, a cost sharing flight is not an air transport operation or an operation for hire or reward.

(d) For the purposes of this rule **direct costs of the flight** include the costs of any form of energy or material consumed during the flight, airport expenditure or rental fees and air navigation charges.

Consequential amendment:

Part 1 General Definitions and abbreviations

1.1 Definitions

Cost sharing flight means a flight that is performed solely for the carriage of persons subject to the restrictions under rule 91.227B: