



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *10th* day of *April* 2006
by **HARRY JAMES DUYNHOVEN**

Minister for Transport Safety

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', is written over the printed name. The signature is stylized and includes a large, sweeping flourish at the end.

Civil Aviation Rules

Part 135, Amendment 12

Air Operations – Helicopters and Small Aeroplanes

Docket 2/CAR/1

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Rule objective

The objective of Amendment 12 to Part 135 is to amend rule 135.607 Flight crew competency checks and rule 135.611 Crew member grace periods, as a consequence of Amendment 7 to Part 61 (re-issue) Pilot Licences and Ratings.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 04-02, containing the proposed changes to Part 61 including amendments to Part 135 was issued for public consultation under Docket 2/CAR/1 on 4 June 2004.

The publication of this NPRM was notified in the Gazette on 3 June 2004 and advertised in the daily newspapers in the five main provincial centres on 5 June 2004. The NPRM was published on the CAA web site and 163 copies were mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal and flight training organisations. A series of nationwide presentations were made to industry to support the NPRM publication and assist people in making submissions. The Part 61 presentations were made at 12 regional aviation training venues and at seven main centre public meetings along with one additional regional public meeting at industry request.

A period of 56 days was allowed for comment on the proposed rule.

The NPRM was published for public consultation prior to 1 December 2004 when the Civil Aviation Amendment Act (No.2) 2004 came into force. With no direction having been made by the Minister under section 13(2)(b) of that Act, subsequent development and signing of the rule has been undertaken in accordance with the law as it was in force immediately prior to 1 December 2004.

Summary of submissions

Fifty written submissions were received on the NPRM. One submission was received on Part 135 changes from the Royal New Zealand Aero Club which accepted the proposal as presented.

A submission was received from Air New Zealand regarding consistency of crew member grace periods between this consequential amendment to Part 135 and the Part 61 flight check and test grace period

amendments. Following this submission rule 135.611 was amended to allow the option of a 60 day grace period for crew member checks.

The rule as amended with editorial changes was then referred to Parliament's Regulations Review Committee before being signed by the Minister for Transport Safety.

Examination of submissions

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

Insertion of Amendments

The amendments to the rules in this Part are reflected by the revocation of the existing rule and the substitution of the new rule.

Effective date of rule

Amendment 12 to Part 135 comes into force on 11 May 2006.

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

Part 135 **Air Operations — Helicopters and Small Aeroplanes**

Subpart J — Crew Member Competency Requirements

Rule 135.607 is revoked and the following rule is substituted:

135.607 Flight crew competency checks

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 check of route 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 operations appropriate to this Part; and
- (2) **each pilot conducting VFR operations has**, within the immediately preceding 12 months, successfully completed a competency check, 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
- (3) **each pilot acting as a flight crew member of an aircraft operating under IFR has**, within the immediately preceding 6 months, passed a check 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 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
- (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

- (2) flight crew competency checks are carried out in an aircraft or flight simulator approved for the purpose.

Rule 135.611 is revoked and the following rule is substituted:

135.611 Crew member grace provisions

(a) If a crew member who is required to take a test or a flight check completes the test or flight check within 1 calendar month of the date on which it is required, that crew member is deemed to have completed the test or check on the date it is required to be completed.

(b) Notwithstanding paragraph (a), if a crew member completes a test, or flight check within 60 days before the date on which the test, or flight check is required, the crew member is deemed to have completed the test, or flight check on the date that it is required to be completed.

Consultation Details

(This statement does not form part of the rules contained in Part 135. It provides details of the consultation undertaken in making the rules.)

Comments arising from the NPRM

Amendment 12 to Part 135 is consequential to amendment 7 to Part 61 (re-issue). The rule amendment was developed under docket 2/CAR/1 and published as NPRM 04-02. Fifty written submissions were received on the NPRM with one comment on the proposed amendments to Part 135. The Royal New Zealand Aero Club comment accepted the proposal as presented.

A further submission was received from Air New Zealand after the consultation period regarding consistency of crew member grace periods between this consequential amendment to Part 135 and the Part 61 flight check and test grace period amendments. Following this submission rule 135.611 was amended to allow the option of a 60 day grace period for crew member checks.

The full consultation details relating to docket 2/CAR/1 and this amendment to Part 135 are contained in the consultation details associated with amendment 7 to Part 61.

The comments and all background material used in developing the rules are held on the docket and are available for public inspection. Persons wishing to view the docket should call at Aviation House, 10 Hutt Road, Petone and ask for docket 2/CAR/1.