NZ HELICOPTER ASSOCIATION

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The Docket Clerk,
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Re: NPRM 09-02, CAA Docket 4/CAR/4

The NZ Helicopter Association makes the following submission in respect of the Part 61 proposed amendment and the subsequent amendments to Parts 1, 91, 133.

Given the gestation period of this NPRM the majority of its proposed changes are founded back in 2000 and are no longer necessary or appropriate today. Each of the proposed changes should be subject to a rigorous 'sense-check' as to what 'problem' it seeks to address, whether that 'problem' is relevant in today's aviation environment, and whether the magnitude of the 'problem' still warrants rulemaking action or whether other non-regulatory solutions are available/preferable. In risk management terms, this NPRM proposes introduction of treatments for risks that were identified 13 years ago, failure to review the validity of both the risks and the treatments will lumber the aviation sector with extra compliance costs at a time when they can least be afforded and for no tangible benefit. The NPRM must also be measured in the context of the government's expressed intent of "less regulation better regulation". We think this can only be achieved by a thorough and comprehensive review of the draft in association with Industry.

Notwithstanding the above statement, the following are a few items with which we take issue:

Support Pilot – A two-pilot instrument rating holder flying a single-pilot certificated aircraft under IFR requires a second (support) pilot who is also instrument rated on board to be compliant. The proposal is that the support pilot cannot log this as instrument flight time and cannot accrue these hours towards a higher licence. Shouldn't we be encouraging people to enter the IFR system and get them up out of the scud-running territory. This proposal just puts another hurdle in the way.

ATPL (A) Flight Test – Why should the flight test have to be done in a turbine powered aeroplane? This is another cost on the applicant for little or no tangible benefit. There are many high performance piston powered even pressurized IFR aircraft.

Multi-pilot Operations – The whole proposal to restrict who can and can't log time on multi-pilot operations seems like a complication for the sake of making things complicated. Does the industry really have a safety problem in this area that necessitates rulemaking? An additional flight crew member aboard an aircraft, irrespective of the nature of the operation, contributes exponentially to safety and should be encouraged not made complicated.

PPL Exams – Whilst it might be claimed that the PPL Aircraft Technical Knowledge syllabus is excessive, we question whether creating Principles of Flight as a separate exam at PPL level is going to make people happy. ATK is a big subject because it includes POF and Flight Performance and Loading material. If we want people to keep entering the aviation industry we should be making it more straightforward not complex, the current system isn't broken so doesn't need fixing.

CPL Exams – If you take the flight planning items out of the navigation syllabus then Nav is going to be a pretty thin subject. Again, this looks like change for the sake of change and I question whether it delivers any tangible benefits. ICAO compliance is all fine but we can deliver this within the existing exam structure rather than requiring more classes, more text books, more exam fees, and more costs on the student.

Exam Pass Mark – Whilst the 5% increase may seem small to licensed pilots, to someone sitting in a lecture room grappling with new concepts the perceived difference between 70% and 75% is huge. Has the lack of 5% of theoretical knowledge been clearly identified as a significant safety issue in aviation? We should be making aviation an attractive choice for people not raising barriers to entry for no good reason.

Technically Enhanced Aircraft – When GPS was introduced we went down this same path of treating it as black magic and required ratings for each different type of unit and display. The adoption and installation and use of technology should be encouraged not discouraged and all that this requirement does is present a technology adopter with another complication to have to deal with and costs to be met. Has the use of technically enhanced aircraft under IFR shown itself to be a major safety issue?

Part 133 Definitions – Why are we messing around with the definitions in a rule that has well and truly stood the test of time?

91.711 Towing objects other than gliders – What safety concerns have given rise to the proposed requirement for an authorisation to conduct these activities? Part 91 came into force in 1997 and we don't believe we have had a rash of problems in this area. As for the eligibility requirements, some of our towing work is special missions related and techniques/procedures used require security clearance. I fail to see what incremental safety benefit a flight instructor sign off is going to provide to a specialised aerial towing operation. Furthermore, the restriction to towing it daylight VMC only is unworkable and unnecessary.

91.713 Operating using an aid to night vision – Why are we putting barriers in the way of adoption of technology? Hindsight is a wonderful thing, back in 2000 the CAA was concerned about PPL's buying cheap night vision goggles and tearing around the hills at night … well, 13 years down the track we haven't had any accidents as a result of such activities so let's just leave the existing rules in place that enable adoption of this technology by virtue of not prohibiting it.

Helicopter external load towing operation means the towing of an external load by a helicopter where all or part of the load remains in contact with a surface during the operation.

This definition captures running of electric power lines and logging cables – activities that have been undertaken with in-house training for a great number of years.
Given that it is proposed that authorisations to do this are to be issued only by A or B Cat instructors, NZHA would argue that only a small number of A & B Cat instructors would have any experience in these activities and it is therefore not appropriate to limit approvals to just them. Not only that, but the small number who may be capable would mean unnecessary travel expenses in gaining such ratings.

NZHA submits that it would be far more appropriate and cost effective to extend authorisation privileges to D Cats as well.

Flight time means—
(1) for an aircraft other than a balloon, the total time from the moment an aircraft first moves for the purpose of flight until the moment it comes to rest at the end of the flight including any associated push back, taxiing and subsequent holding time; and
(2) for a balloon, the total time from burner on for the purpose of inflation for flight until the envelope is completely deflated at the end of a flight

Given the debate we have had over the difference between helicopter and aeroplane logging of Flight Time including CAA's own interpretation in Vector, the definition above is a lost opportunity.

NZHA submits that there should be another point (3) addressing the confusion around logging helicopter flight time.

Yours faithfully,

John Sinclair
NZHA Executive Officer