

NPRM – PART 21 SUBMISSION REQUESTS

On behalf of Aviation Industry Association:

AIA supports the proposed rule changes associated with Part 21 and the subsequent amendments to the related rules. However, we request consideration is given to the following changes:

1. *91.105- Operating Limitations – Part 133 and 137.* In view that various special category aircraft are able to apply to the Director for permission to carry out flight training; we propose that this clause is extended so that special category helicopters can also apply to the Director on a case-by-case basis to carry out Part 133 and 137 operations.

Provision for risk-analysis to be carried out would allow an operator to present his or her aircraft's specifications and limitations together with the intended operations and maintenance schedule. Provided that an approved servicing and maintenance schedule is developed specifically for the intended operations, it does not necessarily lend that these aircraft should all suffer a blanket-ban.

The reasons outlined in the NPRM for prohibiting all 133 and 137 operations appear to be based on airworthiness factors and also concern for unfair competition within industry. Operating outside of design profile with limited parts supplies and technical back-up has indeed been of concern in the past and *potentially* could be in the future – hence the current prohibition notice put in place by the Director. However, the adjustments to Part 21 have come about due to the need for flexibility for new aircraft operating in New Zealand in the future – a blanket ban with no provision to approach the Director for approval does not seem to follow the general intent of the rule change.

To include an argument regarding the impact this may have on the competitive position of the industry is on our submission outside the jurisdictional responsibilities of CAA. While these aircraft may be cheaper to source, they are generally costlier to maintain in accordance with the programmes they are required to submit to CAA. Any 'unfair competition' seen during a special-category's start-up may well reverse itself during the short-to-medium term of operations.

While we do not support any operation of an aircraft outside what is deemed to be acceptable to the CAA, we would like you to consider the opportunity for operators to seek approval from the Director for Part 133 and 137 operations on a case-by-case basis.

2. *91.105 – Operating Limitations – Mitigation of Risk.* Paralleling Part 135 and allowing fixed-wing aircraft to carry 10 people including the pilot is supported. The figure for 5 persons for helicopters is curious. Where has this come from and would it not be better to again use some form of individual risk assessment based on submissions from the operator? If this is not feasible, why is the figure not 10 for helicopters as well?

We would appreciate some consultation over the logic of this proposed rule change.