

# Petition for Rule Making



*This section must be completed*

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CAA Client ID (if known): <b>15561</b>			CAA Client ID (if known): <b>19835</b>	
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### Charges:

There is no charge for a petition to make a rule.

*Please fill out the form below, or use ALL the headings below on a separate sheet and attach to this contact sheet for your submission.*

**SEE ATTACHED**

<b>ISSUE DESCRIPTION</b>  <i>Detail the specific issue that needs to be addressed in relation to the identified rule.</i>	
<b>RISK STATEMENT</b>  <i>Complete the following statement:</i>	Without the issue being addressed, there is a risk that ...
<b>RISK CONTEXT</b>  <i>Identify the scope of the risk(s) that need to be managed</i>	

## ***Issue Description***

CAR 61.7 provides for the PPL(G) and CPL(G). CAR 61.155(b) does not allow the holder of a PPL(G) to act as pilot-in-command for remuneration or if the aircraft is being operated for hire and reward, which privileges require a CPL(G) to be held.

CAR 61.203(3) requires a person to hold a current class 1 medical certificate to be eligible for a CPL(G), and CAR 61.35(a)(ii) requires a class 1 medical certificate to be held before a person may exercise the privileges of a CPL.

This standard is inconsistent with the latest amendment to ICAO Annex 1, which does not distinguish between private and commercial gliding operations and requires only a class 2 medical assessment to be held in order to exercise the privileges of acting as pilot-in-command of any glider.

## ***Risk Statement***

Without the issue being addressed, there are two basic risks:

1. Some generally older but very experienced and skilful pilots may not continue to meet the class 1 medical standards, potentially leading to a reduction in the overall experience and skill of the available pool of CPL(G) holders .
2. The cost and frequency of examinations to meet the class 1 medical standards will be a bar to the attainment of the CPL(G), leading to a shortage of holders.

## ***Risk Context***

See risk statement above.

## ***Stakeholders***

Gliding New Zealand is the only CAR Part 149 organisation certificated by CAA for the administration of gliding. Currently there are 25 gliding clubs and three commercial gliding organisations affiliated to Gliding New Zealand, carrying out a total of some 24,000 glider flights per annum. About 2,000 (8%) of these flights are conducted by the three commercial affiliates.

The CAA pilot licence statistics shows there are 9 CPL(G) holders but only four currently hold a class 1 medical certificate.

## ***Justification***

Section 33 of the Civil Aviation Act 1990 requires that rules made under the Act shall not be inconsistent with the *standards* of ICAO relating to safety, to the extent adopted by New Zealand. The rule-makers shall also have regard to, and give such weight as considered appropriate to the *recommended practices* of ICAO relating to aviation safety, to the extent adopted by New Zealand. New Zealand has adopted ICAO standards and recommended practices to a very large extent and the CAA is committed to an ongoing programme of correcting any deficiencies in that regard (ref CAA Statement of Intent 2007-2010).

ICAO Annex 1 (applicable from 23 November 2006), Section 2.9 Glider Pilot Licence, does not distinguish between private and commercial gliding operations.

There is only one licence, a “glider pilot licence”, enabling the holder “to act as pilot-in-command of any glider provided the licence holder has operational experience in the launching method used.” A current class 2 Medical Assessment shall be held.

Given the very low risk to the nation associated with pilots exercising the privileges of a CPL(G), the class 1 medical standard is unnecessarily high and is thus a bar to gaining and maintaining the licence. Historically, there have been no passenger fatalities, or serious-injuries to passengers, in accidents involving New Zealand registered gliders.

A European study has shown the following causes of fatal gliding accidents (Dr P J Ortiz, 51<sup>st</sup> International Conference of Aviation and Space Medicine 2003):

- Pilot error 67%
- Mechanical or maintenance 8%
- Other (including medical) 2%
- Unknown 23%

### **Costs**

The only costs involved in addressing the issue relate to the rule amendment process. If the desired outcome is obtained, compliance costs to glider pilots wishing to operate for hire or reward will reduce.

### **Desired Outcome**

The CPL(G) is abolished and the PPL(G) is redesignated as simply GPL with privileges extended to allow the holder to act as pilot-in-command of a glider for hire and reward. [This is not intended to impact on the “glider pilot certificate” provisions of Parts 61 and 104, and administered by Gliding New Zealand under Part 149, where the pilot is not flying the glider for hire or reward.]

The impact on safety of this outcome should be generally positive because the availability of a GPL could lead to an increase in the overall experience and skill of pilots flying gliders for hire or reward.

### **Summary of Petition for CARRIL**

At present, glider pilots flying for hire or reward must hold a CPL(G), thus requiring a current class 1 medical certificate. In this respect, CAR Part 61 is inconsistent with the latest amendment to ICAO Annex 1, which does not distinguish between hire and reward operations in gliders and those that are not for hire and reward. Effectively, the ICAO medical standard for hire and reward operations in gliders is class 2.

The petitioner seeks to abolish the CPL(G) and to redesignate the PPL(G) as simply a GPL with privileges extended to allow the holder to act as pilot-in-command of a glider for hire and reward. This would be consistent with ICAO Annex 1.