



Submission on the Definition of a Crew Member Notice NTC 91.227E

16 February 2026

About us

1. The Aviation Industry Association (AIANZ or the Association) is the peak membership body that represents the interests of the commercial aviation industry in New Zealand. Founded in 1950, its overall goal is to support a safe, sustainable, and resilient sector in New Zealand. So, while safety is front and centre of everything we do, we also enable our members and the wider aviation sector to grow and innovate.
2. The membership of the organisation includes more than 220 organisations from small to large who operate aircraft in many sectors of the industry. They include flight and ground training, aerial work, agriculture, scheduled and charter air transport services, freight, photography, search and rescue, surveillance, and tourism. Our membership also includes companies that service, maintain, design or manufacture for these sectors, including engineers. In more recent times, unmanned aerial vehicles (UAVs) or drones have become an important part of AIANZ's diverse membership.
3. The aviation industry in New Zealand plays a critical role in the country's economy. As an island nation, aviation is an important connector for domestic and international markets. Aviation also plays an important social role in the work that it does to support disaster relief, search and rescue activities and medical emergencies
4. New Zealand has the most aircraft per capita in the world that are integral to our economy and for traversing NZ's terrain in a brief period. The high number of helicopters, for example, were vital to the swift response to Cyclone Gabrielle in 2023 and the Kaikoura earthquake in 2016. There are 4,600 aircraft and 900 helicopters operating in New Zealand. This represents one aircraft for every 1,120 people and one helicopter for every 5,700 people.
5. Our role is primarily a policy one that is supported by evidence-based advocacy and lobbying to Government and their agencies. We support members in regulatory matters, advancing professionalism in all safety matters while being recognised as the voice of the country's commercial aviation industry.
6. The Association itself is organised into six divisions which are:
 - a. New Zealand Agricultural Aviation Association (NZAAA)
 - b. New Zealand Helicopter Association (NZHA)
 - c. Unmanned Aerial Vehicles Association (UAVNZ), also known as the Commercial Drone Association.
 - d. Training and Development
 - e. Supply, Service and Engineering that includes the Aircraft Engineers Association (AEANZ)
 - f. Operations (including scheduled airlines and tourist flight operators).

Comment

7. The Aviation Industry Association of New Zealand (AIANZ) submission on the Definition of a Crew Member (NTC 91.227E) should be read alongside submissions received from the NZ Agricultural Aviation Association (NZAAA), and the NZ Helicopter Association (NZHA), both divisions of our Association. Air New Zealand, a member of the AIANZ, has also made a submission. The Association supports all these submissions.
8. The AIANZ submission takes a broader view of the consultation compared to the necessary technical submissions that you will have received from our divisions. It largely reflects the matters we raised in a letter to the Director of the Civil Aviation Authority (CAA) on 21 January 2026 that point to industry concerns with the wider Rules Refresh programme.
9. From the outset, the AIANZ welcomes a rework of existing rules and believes such work is long overdue. As a member of the Aviation Council, and supporter of the Aviation Action Plan launched in September 2025, the Association is committed to the Rules Refresh programme and wishes to support the CAA as much as it can with the rollout. We can offer valuable input and insights into the work through the subject matter experts (SMEs) amongst our membership.
10. The Definition of a Crew Member is overdue for reform, it is unnecessarily complex and it has resulted in confusion for commercial aviation operators over many years. This confusion dates to August 2009 when the CAA published Legal Information Bulletin (LIB4), pertaining to this rule.
11. Along with Air New Zealand, the AIANZ was involved in consultation on the Definition of a Crew Member from September last year and through our constituent bodies, the NZAAA and the NZHA, we attended a workshop with CAA officials conducting this work. At the time, our SMEs as well as those from Air New Zealand provided comment that we believe was not taken on board. Our comment reflected the concerns of our members that operation commercially in the aviation industry.
12. It became apparent to the AIANZ relatively early in the process that the view of SMEs was not being properly considered, a fact borne out when the Draft Notice was published on 22 December 2025. To put this bluntly, this was clearly a “tick-box” exercise by CAA officials to hasten the process. It confirmed for us that this consultation was superficial in that officials did not act on the input and insights of experienced industry practitioners.
13. We are now in the position of having a draft Notice that to all intents and purposes is unworkable and will result in even more ambiguity in an area that applies widely across the aviation industry. To quote from the submissions of the NZHA, one of our six divisions:

“Notices should remain high-level and performance-based rather than becoming a repository for prescriptive and inconsistent minutiae. The Part 91 PBN Notices are another example of how to overcomplicate a relatively simple process”. (NZHA letter to CAA of 5 February 2026).

14. Similar concerns have also been expressed by Air New Zealand reinforcing our view that the work done is resulting in a Notice that is overly complex and shows a lack of understanding by CAA officials as to how industry works. And, in no way does our position compromise safety.
15. As the AIANZ said in its letter to the Director on 21 January 2026 our experience with this proposed Notice exposes several risks with respect to the wider Rules Refresh programme that will occur over the next two years. It is worth re-iterating those points in this submission and they are as follows:
- **Lack of connection to other legislation and regulations**, such as the Health and Safety at Work Act 2015 (i.e., there should be a whole-of-Government approach). This can lead to issues of duplication, inconsistency, and unnecessary regulatory burden without corresponding safety benefit.
 - **Inadequate consultation processes** that ignore concerns from industry stakeholders (engagement doesn't just mean meeting with industry stakeholders – it means listening to them and critically evaluating proposals with their feedback in mind and including such feedback in revised Rules or Notices).
 - **Potential for regulatory capture** (e.g., the proposed definition of a crewmember would capture many people whose safety are already dealt with in other legislation/regulation, such as HSWA).
 - **Interpretive change of current rules in a manner than is not risk-based** and affects how participants achieve certification and maintain compliance. Interpretative change bypasses safeguards, creates regulatory uncertainty, and undermines confidence in the Rules Refresh itself.
16. The AIANZ acknowledges the Government and Associate Minister of Transport's ambitious expectation regarding the Rules Refresh programme, but with expert industry input on hand, there is no reason to suggest these ambitions cannot be achieved. Our experience with the Notice of Definition of Air Crew raises a red flag which is why we have the raised the matter with the Director of the CAA.
17. Along with other peak aviation bodies, the AIANZ is attending a meeting with the Director of CAA tomorrow (17 February) to discuss the overall Rules Refresh programme - we will use this opportunity to reaffirm the points already detailed in this submission.
18. Concerning the substantive and detailed nature of this Notice, the AIANZ asks the CAA to properly consider the important points that have been made by the NZAAA, the NZHA, Air New Zealand and other industry operators that may have made submissions. While our request to pause this Notice was not granted, we believe that doing so would be in the best interests of CAA and the industry. Failure to get it right now will only continue ambiguity and confusion that

has prevailed for nearly two decades on a Notice that has widespread application across the commercial aviation industry.

End.

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