

21 March 2024

Bruce

By email: [fyi-request-25473-adjfeb321@requests.fyi.org.nz](mailto:fyi-request-25473-adjfeb321@requests.fyi.org.nz)

Kia ora Bruce,

I am writing with reference to your email to the CAA under Official Information Act for the following information (CAA Reference – **24/OIR/218**)

*"Advanced Flight Ltd has an existing exemption 19/EXE/64 that allows them to turn off anti-collision lights while conducting 'Eagle' air operations."*

*I request all documents relating to this exemption. including, but not limited to, the initial request for the exemption to be granted, the internal decision making by CAA to grant the exemption, and any subsequent evaluations of the exemption and associated safety concerns.*

#### **CAA Response**

We have decided to partially grant your request.

As the information in scope of your request includes risk assessments conducted by Advanced Flight Limited and other information pertaining to why this exemption is required, we have decided to withhold this information under the following sections of the Official Information Act -

- Section 6 (d) - making available of that information would be likely to endanger the safety of any person.
- Section 9(2)(c) - avoid prejudice to measures protecting the health or safety of members of the public.

We have, however, elected to release the Certificate of Exemption and Certificate of Amendment to the Exemption for your reference which is enclosed with this letter. Please note that some conditions of exemption in the binder have been withheld under section 6(d) and section 9(2)(c) as specified above along with personally identifiable details that have been redacted under section 9(2)(a) of the OIA to protect the privacy of individuals.

We do not consider in the circumstances of the present case, there are public interest that outweighs the need to withhold this information.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Ngā mihi

**Talia Rachel Zachariah (she/her)\***

Official Information Advisor | Kaitohutohu

Legal Services Unit | LSU

Civil Aviation Authority of New Zealand | Aviation Security Service

Te Mana Rererangi Tūmatanui o Aotearoa | Kaiwhakamaru Rererangi



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\*If you're wondering about the use of the pronouns he/him on this signature, [read this article](#) about how sharing pronouns in this way can help create an inclusive and safe environment for transgender and nonbinary colleagues

DW1361676-0 19/EXE/64

07 June 2019

Advanced Flight Limited  
PO Box 13145  
Onehunga  
Auckland  
1643

Dear s 9(2)(a)

**Acknowledgement of your exemption petition**

**Our reference: 19/EXE/64 – CAR 91.233 Aircraft Lights**

I acknowledge receipt of your petition for exemption received 07 June 2019. It has been passed on to Kayla Doherty [Kayla.Doherty@caa.govt.nz](mailto:Kayla.Doherty@caa.govt.nz) for initial assessment.

A petition for exemption is a request to the Director of Civil Aviation to provide relief from any specified requirement in any Civil Aviation Rule made by the Minister of Transport. The process associated with the granting of an exemption must meet the requirements of section 37(2) of the Civil Aviation Act. Please refer to the Civil Aviation Authority website: [www.caa.govt.nz](http://www.caa.govt.nz) for further information regarding the exemption process.

The charges associated with the processing of an exemption request are promulgated in the Civil Aviation Charges Regulations (No2) 199, a copy of which is available on the CAA website. These charges apply whether or not the exemption is granted. CAA may send progressive invoices.

As per the CAA website, at least 90 days should be allowed to process a petition for exemption. However, should the resource be available, we will endeavour to reduce this time.

Please quote reference **19/EXE/64** in any further correspondence.

Yours sincerely

Angela Leamy  
Senior Administration Officer APU

DW1362378-0 19/EXE/64

29 July 2019

Advanced Flight Limited  
PO Box 13145  
Onehunga  
Auckland  
1643

Dear s 9(2)(a)

**Petition for exemption from Civil Aviation Rule CAR 91.233**

Your petition for exemption dated 07 June 2019 has been assessed against the criteria in section 37 of the Civil Aviation Act 1990 and the Director has granted an exemption to Advanced Flight Limited from the requirement in Civil Aviation Rule CAR 91.233, aircraft lights. The granting of the exemption is only with respect to conducting NZ Police 'Eagle' air operations. Please refer to the enclosed certificate for details.

Yours sincerely



Kayla Doherty  
Technical Specialist - Exemptions



**19/EXE/64**

**Exemption from the Requirement in Civil Aviation Rule  
CAR 91.233(a)(1)(3)**

**PURSUANT TO** Section 37(2)(c) of the Civil Aviation Act 1990,

**I, Stephen Moore**, Deputy Director General Aviation, being satisfied that—

- (a) the prescribed requirements of CAR 91.233(a)(1)(3) are clearly inappropriate in the particular case of Advanced Flight Limited turning off aircraft position lights and the anti-collision light system when conducting New Zealand Police ‘Eagle’ air operations; and
- (b) the risk to safety will not be significantly increased by the granting of this exemption,

**HEREBY EXEMPT—**

**Advanced Flight Limited, CAA participant number 50568**

**FROM—**

the requirement in CAR 91.233(a)(1)(3) that a pilot of an aircraft must not operate an aircraft at night unless it has lighted position lights or operate an aircraft at night that is required by Subpart F to be equipped with an anti-collision light system unless the anti-collision light system is operating,

**ONLY WITH RESPECT TO**

conducting New Zealand Police ‘Eagle’ air operations,

**PROVIDED THAT—**

- (a) the aircraft position lights and anti-collision light system must only be turned off:

- (i) s 6(d), s 9(2)(c)
- (ii)

- (b) serviceable radios for communications must be maintained when the aircraft position lights and anti-collision light system are off; and
- (c) the pilot-in-command must advise ATC or local traffic when operating with the aircraft position lights and anti-collision light system turned off; and
- (d) the aircraft must be fitted with:



- (i) a serviceable/operable ADS-B OUT transponder; and
- (ii) serviceable TCAS; and

(e) s 6(d), s 9(2)(c)


This exemption shall remain in effect until 08 March 2020 unless withdrawn earlier in writing by the Director.

SIGNED at Wellington

this 29<sup>th</sup> day of July 2019

by Stephen Moore

Deputy Director General Aviation

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## 19/EXE/64 (Amendment #1)

### Exemption from the Requirement in Civil Aviation Rule

#### CAR 91.233(a)(1)(3)

**PURSUANT TO** Section 37(2)(c) of the Civil Aviation Act 1990,

I, **Janine Hearn**, Deputy Chief Executive Aviation Safety, being satisfied that—

- (a) the prescribed requirements of CAR 91.233(a)(1)(3) are clearly inappropriate in the particular case of Advanced Flight Limited turning off aircraft position lights and the anti-collision light system when conducting New Zealand Police 'Eagle' air operations; and
- (b) the risk to safety will not be significantly increased by the granting of this exemption,

**HEREBY EXEMPT—**

**Advanced Flight Limited, CAA participant number 50568**

**FROM—**

the requirement in CAR 91.233(a)(1)(3) that a pilot of an aircraft must not operate an aircraft at night unless it has lighted position lights or operate an aircraft at night that is required by Subpart F to be equipped with an anti-collision light system unless the anti-collision light system is operating,

**ONLY WITH RESPECT TO**

conducting New Zealand Police 'Eagle' air operations,

**PROVIDED THAT—**

- (a) the aircraft position lights and anti-collision light system must only be turned off:

- (i) s 6(d), s 9(2)(c)
- (ii)

- (b) serviceable radios for communications must be maintained when the aircraft position lights and anti-collision light system are off; and
- (c) the pilot-in-command must advise ATC or local traffic when operating with the aircraft position lights and anti-collision light system turned off; and
- (d) the aircraft must be fitted with:



- (i) a serviceable/operable ADS-B OUT transponder; and
- (ii) serviceable TCAS; and

(e) s 6(d), s 9(2)(c)

This exemption shall remain in effect until 08 March 2025 unless withdrawn earlier in writing by the Director.

SIGNED at Wellington )

this 2<sup>nd</sup> day of March 2020 )

by Janine Hearn )

Deputy Chief Executive Aviation Safety )