

Waikato Whisper



Waikato Hot Air Balloon Club: www.waikatoballoonclub.co.nz Tel:07 856 0060

CLUB NIGHT Wednesday

6th September details to be confirmed.

CLUB DAY Sunday

10th September Details to be confirmed

NEWS IN BRIEF

Club Night: What a lot of fun at the Ice Age mini golf at Centre Place. A great setup. For those who came along we had a lot of fun. This year it was one of our JB's Natalie who took top honours with 51 followed by several of us in the mid to upper 50's.

Video night – I hope to get a selection of safety related videos from CAA suitable for crew and pilots.

Club Day and other Activities:

Pokeno Market day – thanks to those club members who came out to help. Your commitment was really appreciated. Pity the day wasn't a little warmer. Some genuine interest and we were surprised at the number of people telling us about their ballooning flights – mostly in Australia. Brochures handed out – here's hoping we might get some interest in the club.

Neil is organising a Club Day activity hopefully with balloons in Te Awamutu – weather permitting.

Aviation Safety

From Vector July/August 2017 "Stay or Go"

"Decision making is something that starts long before you get into the cockpit, but it doesn't happen just once – during planning. It happens throughout the time you're in the cockpit. You have to be really situationally aware, re-evaluating all the time, according to the changing environment as you fly."

He says Search and Rescue Services' crews are trained in Crew Resource Management. An important aspect of CRM is empowering any crew member to raise a concern and stop the operation if they feel it is unsafe.

"So while the pilot-in-command is ultimately responsible, the crew and paramedics are also contributing information about whether a flight should continue."

This is from an article about rescue helicopters but the underlying principal is relevant to every form of aviation – and equally relevant to everyone in the work place.

Sunrise Sunset Times

From time to time it is good to be able to determine when sunrise or sunset is, and when Civil Twilight ends. These times determine when we can and cannot fly VFR (Visual Flight Rules). Have found an interesting web site with all this information.

<https://www.timeanddate.com/sun/new-zealand/hamilton>

Definitions:

Civil twilight is defined when the sun is 6 degrees below the horizon. In the morning this is known as dawn, in the evening it is called dusk. This is the limit at which twilight illumination is sufficient, under good weather conditions, for terrestrial objects to be clearly distinguished; at the beginning of morning

civil twilight, or end of evening civil twilight, the horizon is clearly defined and the brightest stars are visible under good atmospheric conditions in the absence of moonlight or other illumination. In the morning before the beginning of civil twilight and in the evening after the end of civil twilight, artificial illumination is normally required to carry on ordinary outdoor activities.

Nautical twilight is defined when the sun is 12 degrees below the horizon. At the beginning or end of nautical twilight, under good atmospheric conditions and in the absence of other illumination, general outlines of ground objects may be distinguishable, but detailed outdoor operations are not possible, and the horizon is indistinct.

Astronomical twilight is defined when the sun is 18 degrees below the horizon. Before the beginning of astronomical twilight in the morning and after the end of astronomical twilight in the evening the sun does not contribute to sky illumination; for a considerable interval after the beginning of morning twilight and before the end of evening twilight, sky illumination is so faint that it is practically imperceptible.

Solar noon is the time when the sun appears highest in the sky (toward the north pole or south pole) for that location.

For more detail go to <https://www.timeanddate.com/astronomy/different-types-twilight.html>

Junior Balloonists

Next meeting Sunday 27th August.

Introduction to ropes, carabiners, tie offs and bridles.

Basic Knot tying

Location: To be advised by email

Last month we learnt about why balloonists seem to spend so much time looking up at the sky. Then we had the challenge of setting up an older Aerostar basket. With photos as a record, the JB's should now have no trouble setting it up for basket burns. Our first outing with this will be in October at the Waihi Trolley Derby on Saturday 7th October.

Please bring anyone along who would like to join.

Gloves

In most countries throughout the world if you are a balloonist, proper gloves are mandatory. That is why they are on the top of our list of safety equipment.

Liquid Gas from the propane tanks can inflict serious burns and ropes sliding through hands as a wind gust drags the envelope you are holding are two of the biggest reasons a great pair of gloves can save you a lot of harm and pain.

The right gloves help grip rope better, they protect from cold and heat, and as ballooning is normally carried out on a cold crisp morning, are great to just keep your hands warm.

Light weight leather or pig-skin gloves are great and are generally the cheapest of the options available. Some of us have started wearing automotive gloves with a soft leather palm and a heavy woven knit over the knuckles. These tend to be more flexible but can be 2-3 times the price of the soft pig skin gloves.



Many pilots carry spares but if you want to be into ballooning – we recommend that you buy your own as you can get a size of glove that fits properly.

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IMPROVISE!

Hire and Reward – Private Pilots (Written by Martyn Stacey)

A suitably qualified hot air balloon pilot (usually 6 hrs Pilot In Command (PIC) depending on his instructor, training, and/or club rules) may fly a hot air balloon that he is confident and competent to fly in. That pilot is permitted to carry friends in that balloon if it is capable of taking passengers at **no cost** to those friends and they all understand the inherent risks.

They cannot take any person nor do aerial work for hire or reward.

He can take a passenger on an equal cost share basis – that is people known to each other who were all going to the same event or all wanting to do the same thing and are sharing the cost to get there or do what they all intended. This means everyone **including** the pilot pay an **equal** amount for the use of the hot air balloon for that time. This may include the cost of fuel, a portion of the operating costs (wear and tear, insurance, vehicles etc.). In general, cost share is mostly Club members all with the same interest and fully understanding they are sharing the cost to do a flight together.

At no time should a cost share be confused with offering a member of the public who does not know any different a ride for hire or reward or cost share.

As **private pilots** we cannot offer hot air balloon rides to organisations, charities, clubs or schools as a means of fund raising for that event, even if you as the pilot receive nothing for the flight and/or costs. The **on selling** of that ride as a prize automatically invokes a responsibility of care by the organisation to the purchaser / winner that the pilot cannot provide as he is not part of an accredited Part 115 organisation that has industry approved checks in place to provide the responsibility of care. A member of the public who is offered a ride with any aviation operation expects that ride to be safe and in general has no knowledge of it being anything but that, hence the regulatory process of certification to give the general public faith that they are safe when indulging in Aviation Operations.

CAA legal definition and case law

The **donation of flights for the purpose of raffling or auctioning** is a difficult area for the Civil Aviation Authority (CAA). The CAA has traditionally taken the view that such arrangements are likely to fall within the scope of a hire or reward activity, even if conducted for a charitable purpose. If the carriage of a passenger is for hire or reward, the operation is not a private one, and the operator must hold an Air Operators Certificate (AOC). Despite the best intentions of operators the CAA is obliged to ensure that the relevant safety standards in place are met.

There is no legislative definition of 'hire or reward' so the meaning of those terms is to be found from past case law. The key features of various NZ cases are that:

- The word "reward" has a wider meaning than the phrase "hire".
- It is a question of fact whether there was reward.

Whereby reward in this context implies a reciprocal relationship between two persons where consideration goes from one person to the other for the carriage of passengers.

- The consideration need not be in money.
- The operator does not have to have made a profit from the operation.

Based on this body of case law the CAA believes that the terms 'hire or reward' have to be interpreted in a way that would include circumstances where a person is carried without payment being made to the pilot or operator, but where someone is ultimately receiving a reward from the proceeds of an **auction or raffle (i.e. the charity)**. While this may appear to be an overly strict approach the CAA must act consistently with the law.

Members of the public who participate in a **raffle or auction** are in effect paying, albeit often only a small amount, for an opportunity for a flight. CAA takes the view that these people, while not being a traditional fare-paying passenger should still be entitled to enjoy the safety systems and level of safety assurance that an AOC provides, because they are unlikely to appreciate the difference in safety standards to which a Part 91 operator and a Part 115/119 operates.

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CAA Over the next few months we will profile the CAA.



INTRODUCTION

The very first act impacting on aviation came about in 1918 when the then Government passed the Aviation Act 1918. Then in 1920 an advisory committee known as the Air Board was established. So as early as 1920 the Government wanted information “with respect to:

- Companies or private individuals that may be subsidised for the conveyance of mails, passengers, etc, on approved routes
- Inspection of privately owned machines
- Regarding the reservation of rights of particular companies or individuals to fly for hire within prescribed areas”.

The “ZK” aircraft registration was introduced in 1929.

Soon after the passing of the Air Navigation Act 1931, a set of Air Navigation Regulations was introduced (1933). Around 1937 the term civil aviation was used which focused on air transport for the public as opposed to defence aviation.

In 1948 the Civil Aviation Act 1948 was passed which:

- Ratified New Zealand acceptance of the Convention on International Civil Aviation
- Authorised the issue of regulations
- Created the statutory position of Director of Civil Aviation.

This was followed by a new set of Civil Aviation Regulations 1953 which allowed the Director to issue Civil Aviation Safety Orders and Civil Airworthiness Requirements.

In 1964 a new Civil Aviation Act 1964 came into force and with this came the appointment of a Minister of Civil Aviation.

Aviation continued to develop and in the 1990 the legislation we are governed by today (Civil Aviation Act 1990) was introduced. This Act provided for the Minister (Minister of Transport) to make Rules – hence the CAA Rules we operate by today.

The Civil Aviation Authority (CAA) was established in 1992 as a crown entity under the Civil Aviation Act 1990 to:

- “ ... oversees aviation safety and the rules underpinning it, led by the Director of Civil Aviation. This agency is based in Wellington with small teams in Auckland and Christchurch, and Aviation Safety Advisers travelling the country. Most staff are technical specialists responsible for certificating and monitoring aviation ‘participants’ – that is, people and organisations holding an aviation document, for example, a licence to fly.”

REF: History of Civil Aviation Regulation in New Zealand <https://www.caa.govt.nz/history-2/>