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# **THE FLYING BY-LAWS OF THE CANTERBURY AERO CLUB (INCORPORATED)**



01 JANUARY 2020

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# **CANTERBURY AERO CLUB (INCORPORATED)**

## **FLYING BY-LAWS**

### **AMENDED EFFECTIVE 01 JANUARY 2020**

(Replacing Flying By-Laws 01 June 2019)

#### **1.0 Interpretation**

- 1.1 Except to the extent that any words and/or expressions used herein have been defined by Rule 4.1 of the Club Rules, the definitions contained in Part 1 of the Civil Aviation Rules shall, unless the context otherwise requires, be applied to the interpretation of these By-Laws.
- 1.2 For the purposes of these By-Laws, a Club Instructor is an instructor employed by either the Canterbury Aero Club or the International Aviation Academy (IAANZ).
- 1.3 An IAANZ student is a Club member whilst attending the Academy and, accordingly, when exercising flying privileges as a Club member, is bound by these By-Laws when operating any Club aircraft.

#### **2.0 Compliance with Club Rules, By-Laws, and Statutory Rules and Regulations**

- 2.1 All members and other persons shall, at all times whilst operating or flying any fleet aircraft, comply with the provisions of the Civil Aviation Act 1990 and the Rules and Regulations made thereunder and, as long as the same are not inconsistent therewith, the provisions of these By-Laws.
- 3.1 Ignorance of any applicable Rule, Regulation or By-Law may not be pleaded in defence of any proceeding brought against a member pursuant to Rule 16 of the Club Rules.

#### **3.0 Booking of Flights**

- 3.1 A member wishing to take a flight in a fleet aircraft should, so far as is practicable, make the booking well in advance.
- 3.2 A booking of a fleet aircraft is to be made on a “first come, first served” basis. In determining priority for booking of fleet aircraft, precedence is to be given to members intending to make dual or solo flights under instruction. Where conflicting demand occurs, the CFI, CEO or duty A Cat instructor must be consulted before any change is made to an existing booking.
- 3.3 The member should report to the Flight Office at least 20 minutes before the time from which an aircraft has been booked. Where any member fails to appear at the Flight Office at or before the appointed time, the booking may be cancelled and the aircraft allotted to some other person.
- 3.4 To avoid a cancellation fee, cancellation of a booking must be made not less than 12 hours before the booked start time. A cancellation after this time will incur a cancellation fee unless the cancellation is due to the booking member’s reasonable concern about the suitability of the weather for the intended flight. Whether the concern is reasonably held may be subject to review by the CFI or Deputy CFI. The value of the cancellation fee will be set by the Executive from time to time and notified to members. Whether the fee is charged shall be subject to the final determination of the CFI.
- 3.5 All bookings shall be made through the Flight Office via direct contact, email, web or via the duty Club instructor and must be confirmed by the Flight Office in order to be valid. Any

purported booking made by any other means will not be valid.

- 3.6 Where an aircraft is booked to be away from Christchurch, West Melton or Rangiora airfield for a period longer than 24 hours, the Club expects reasonable utilisation during the period of hire. In evaluating what is reasonable utilisation, consideration will be given to the provisions of By-Law 3.2 and to the utilisation that might be expected if the aircraft remained at 'home'. The CFI has the authority to evaluate any such booking on this basis and to approve or decline it accordingly.
- 3.7 Every dual or solo IAAZ training booking must be made in accordance with IAAZ booking protocols in the scheduling flight operations manual.

#### **4.0 Flight Authorisation**

- 4.1 No flight is to be carried out in any fleet aircraft unless it has been authorised:
- (a) By the CFI or by a Club Instructor on duty at the relevant time or by such other person as may have been authorised by the CFI.
  - (b) Where a pilot requires an authorisation for a flight commencing from an airfield other than Christchurch, West Melton or Rangiora and where a Club Instructor is not available at the departure airfield, that pilot shall contact an appropriate Club Instructor for flight authorisation.

#### **5.0 Pilot & Aircraft Documentation**

- 5.1 When making a booking or preparing for a flight in a fleet aircraft, any pilot member must, when called upon to do so by a Club Instructor, produce their pilot licence and/or log book to that instructor for perusal. No member who is deemed unfinancial pursuant to the provisions of Rule 7.5 of the Club Rules shall be eligible to book or to make a flight in a fleet aircraft.
- 5.2 When making a booking or preparing for a flight in a fleet aircraft, a visiting pilot must, when called upon to do so by a Club Instructor, produce for that instructor's perusal their pilot licence and/or current Flying NZ Aero Club membership card and any other reasonably relevant documentation which the instructor requests be produced for perusal.
- 5.3 No pilot may fly any fleet aircraft except when accompanied by a Club Instructor or when authorised by a Club Instructor on duty at the relevant time.
- 5.4 Before any flight in a fleet aircraft is commenced, the pilot must complete a Flight Authorisation form, as prescribed from time to time by the Club and arrange for it to be signed by a Club Instructor on duty at the relevant time.
- 5.5 Each pilot member's log book is to be brought up to date promptly after the completion of each flight. All entries made therein are required to be accurate, permanent and legible.
- 5.6 The following documents shall be on board any fleet aircraft being prepared for flight and when in flight:
- (a) The Certificate of Airworthiness.
  - (b) The Technical Log.
  - (c) The approved Flight Manual.

#### **6.0 General Provisions Relating To Flying**

- 6.1 Before commencing any flight in any fleet aircraft, the pilot is responsible for ensuring:
- (a) That he or she holds a valid pilot licence, a current medical certificate and a current

Biennial Flight Review.

- (b) That the aircraft documents detailed in By-Law 5.6. are valid.
  - (c) That the fuel carried on the aircraft is sufficient to complete any proposed VFR flight and to leave a 45-minute reserve or, as the case may be, is sufficient to meet the prescribed minima for any proposed IFR flight.
  - (d) That the aircraft's operating configuration is, and at all times during the flight will remain, within the manufacturer's prescribed limitations, including all up weight and centre of gravity.
  - (e) That he or she is rated and current on the type to be flown and, in the case of an IFR flight, meets currency and recency requirements for IFR operations.
  - (f) That, where such flight is intended to be confined to a radius of not more than 25 nautical miles from the point of departure, the pilot has:
    - (i) Filed a flight plan (including local ATC flight plan) or
    - (ii) Taken the necessary steps to ensure a 'flight notification' advice is established with an authorising instructor pursuant to By-Law 4.0. ('Flight Notification' means that the airborne intentions of the pilot and expected return time at the airfield of departure are clearly known to the authorising instructor)
  - (g) That, where such flight is intended to extend beyond 25 nautical miles from the point of departure, a flight plan is filed with Air Traffic Services.
  - (h) That the names and addresses of all persons on board have been correctly recorded.
  - (i) That a flight authorisation form has been completed by the pilot and been signed by an appropriate Club Instructor.
- 6.2 Aircraft are to be taxied slowly at all times, special care being exercised by the pilot when the aircraft is in close proximity to other aircraft, fuel pumps, other obstructions and people. Aircraft brakes are to be tested before departure from, and upon return to, the tarmac. On stony ground, extreme care must be taken when taxiing and running-up aircraft. Low power should be selected for taxiing and the taxiing speed should not exceed a brisk walking pace.
- 6.3 Before being permitted to fly a fleet aircraft solo, any pilot who is not familiar with local airfields will be required to undergo a dual check. Any pilot who has not flown a particular aircraft type for 90 days or more may, at the CFI's discretion, be required to undergo a dual check before being permitted to fly a fleet aircraft solo.
- 6.4 No pilot who hires a fleet aircraft may, during the period of hire, permit any other person to fly the aircraft unless specifically authorised to do so by a Club Instructor.
- 6.5 (a) When flying, the minimum height at which fleet aircraft shall be flown is 1,000 feet above ground level (agl), unless:
  - (i) Accompanied by an instructor: or
  - (ii) Forced lower by weather conditions beyond the pilot's control, in which case the pilot must divert or return, to an area of improved weather: or
  - (iii) instructed to fly below 1,000 feet agl by Air Traffic Control.
  - (iv) when flying in a VFR transit lane, provided that the aircraft is flown at the upper limit of the transit lane and maintains an altitude not less than 500 feet agl.
- (b) When flying over cities, large towns or other populous areas, fleet aircraft should, wherever practicable and subject to airspace restrictions and/or the directions of Air

Traffic Control, maintain a minimum of 1,500 feet agl.

- 6.6 All VFR flights in fleet aircraft must be planned to arrive at the destination airfield not less than 30 minutes before ECT.
- 6.7 Except where specifically approved by a Club Instructor, as duly authorised by the CFI, fleet aircraft are permitted to land only on airfields that are published in the Aeronautical Information Publication (AIP). Any such approval may, at the discretion of the Instructor, be either general or restricted to a particular flight or flights. Subject to the provisions of By-Laws 7.5. and 7.6., no voluntary landing shall be made at any place or places not specified and approved before departure. A special briefing from the CFI or a designated approved instructor is required:
- (a) When intending to operate from or within 25 nautical miles of the following airfields; Ardmore, Glentanner, Milford Sound, Mount Cook and/or Lake Tekapo
  - (b) When intending to land at and/or take off from Mandeville, Murchison or Ryans Creek.
- 6.8 Where a pilot of a fleet aircraft is forced by stress of weather or cause other than mechanical defect to make a forced or unscheduled landing on an uncharted airfield or airstrip, the pilot shall not take off from that airfield or airstrip until authorised to do so by a Club Instructor.
- 6.9 Where a pilot of a fleet aircraft is forced by mechanical defect to make an unscheduled landing, that aircraft shall not be flown again until authorised by a LAME and approved by a senior Club Instructor.
- 6.10 Aerobatics and/or formation flying may not be carried out in any fleet aircraft except with the prior authority of the CFI or a Club Instructor duly authorised by the CFI. Any such authority shall not extend beyond the particular flight so authorised unless specific written authority has been issued by the CFI.
- 6.11 Rules for the conduct of flying competitions may be laid down by the CFI from time to time as the need may be seen by the CFI to arise.

## **7.0 Cross-Country Flights**

- 7.1 For the purpose of this By-Law, unless otherwise arranged, the Flying Instructor who initially authorises a pilot's cross country flight is deemed to be the "Supervising Instructor".
- 7.2 Where any such pilot wilfully and without good cause deviates from their approved route, that deviation shall be reported by the Supervising Instructor to the CFI as soon as is practicable.
- 7.3 If the Supervising Instructor specified in By-Law 7.1 is unavailable for further approval of a cross country flight (eg a return to base from a cross country destination on a day other than the departure date or a local flight conducted from a destination away from base), the senior instructor on duty at the Club may approve the flight.
- 7.4 Where no instructor is able to be contacted to provide further authorisation for the pilot of an aircraft on a cross-country flight, the pilot may proceed with the flight provided that the route forecast and the forecasts for the departure, intermediate (if relevant) and terminal airfields meet the following minimum criteria:
- (i) The proposed flight will be carried out VFR below cloud at a minimum altitude of 2,000 feet above ground or water; and
  - (ii) The wind speed at each airfield does not exceed 20 knots, including gusts; and

- (iii) The minimum flight visibility is 30 kilometres.
- 7.5 Where, in the course of any cross-country flight, the pilot of a fleet aircraft forms the opinion that there is any reasonable possibility of the weather conditions for the remainder of the flight falling below the minima specified in By-Law 7.4 or where, by reason of any other cause or circumstance, the pilot forms the opinion that the continuation of the flight may put the safety of the aircraft or of its occupants at risk, the pilot must discontinue the flight, either by returning to the point of take-off or by landing at the nearest airfield, whichever is the safer option.
- 7.6 Notwithstanding the provisions of By-Laws 7.1 - 7.4, if, in the course of any cross-country flight, the pilot of a fleet aircraft desires, for any reason, to deviate from the planned flight route, the pilot shall not, except where prevented from doing so by lack of radio contact or other circumstances or conditions, commence any such deviation without first notifying their intentions to the Flight Information Service. In any case where any such deviation has been made without notification to the Flight Information Service, the pilot shall as soon as possible thereafter, make the facts of any such deviation known to the Flight Information Service.
- 7.7 The pilot of a fleet aircraft on a cross-country flight is responsible for the care and safety of the aircraft throughout the time that the aircraft is on hire and, in particular, is required to ensure that:
- (a) **Picketing gear** is carried in the aircraft.
  - (b) Where hangarage is not available, all reasonable care is taken to protect the aircraft from adverse weather conditions
  - (c) The aircraft, if left unattended and not hangared,
    - (i) **Is picketed** in the most secure and protected area available; and
    - (ii) Has its **controls locked**; and
    - (iii) Has removed from it the **keys, fuel card, technical log, headsets, first aid kits, life jackets** and other removable or detachable accessories which are the property of the Club and that all such items are stored in a **safe, secure and accessible place**.
  - (d) Each person wears a life jacket on any flight over water when operating beyond gliding distance from land.
- 7.8 If, for any reason, a fleet aircraft is unable to be returned to its base at the pre-arranged or appointed time, the pilot shall, as soon as possible:
- (a) Notify the CFI or the Chief Executive of all the relevant circumstances leading to the aircraft's non-return to base and comply with the requirements of By-Law 7.7 above; and
  - (b) Make such arrangements as may be authorised and, in the circumstances, be necessary for the return of the aircraft to base, PROVIDED THAT, except where the return of the aircraft to its base has been prevented by mechanical, airframe, avionics or other component defect or failure, the pilot shall bear the costs of returning the aircraft to its base.
- 7.9 **Defects:** Before recording an observed fault in the defects log while away from Club area, the pilot shall report the fault to a senior Club instructor for a ruling as to whether it is to be recorded as a Defect in the technical Log, thus preventing the continuation of the flight.
- 7.10 Upon completion of a cross-country flight, the pilot is responsible for ensuring that the flight times, all landings and details relating to the flight and aircraft are recorded and delivered to

the flight desk, including entry in the aircraft technical log of any Observation or Defect (refer 7.9 above).

## **8.0 Preservation and Care of Aircraft**

8.1 In addition to the general and specific duties placed upon pilots of fleet aircraft by By-Law 7.7, each pilot is responsible to ensure that, whilst any fleet aircraft is under his or her control,:

- (a) The engine shall not be started unless there is a qualified person at the controls.
- (b) No passenger is permitted to enter or to remain in the aircraft whilst the engine is running unless there is a qualified person at the controls.
- (c) The aircraft is not to be left with the engine running unless there is a qualified person at the controls.

8.2 The pilot of a fleet aircraft is required to report promptly to the Flight Office, to an Instructor or to a ground Engineer:

- (a) Any heavy landing or any other occurrence which, in the opinion of the pilot, may affect the safety of the aircraft.
- (b) Any known or suspected safety-related defect in the aircraft.

## **9.0 Hire and Reward and Cost Sharing Flights**

9.1 No member shall, under any circumstances, use a fleet aircraft for hire or reward unless such use has been expressly approved in advance by the CEO in accordance with Part 135.

9.2 A member may take passengers on a flight on a cost sharing basis as defined in CAR Part 1.

## **10.0 Use of Private Aircraft**

10.1 Subject to By-Law 10.2, a member may use a non-fleet aircraft to participate in any Club-organised event, including Club Days, flyaways and strip days.

10.2 Where a member wishes to pilot a non-fleet aircraft as part of a Club-organised event, the following conditions apply;

- (a) The Aero Club By-Laws shall apply to the member as if the non-fleet aircraft was a fleet aircraft.
- (b) The number of non-fleet aircraft permitted to participate in any event shall be at the sole discretion of the CFI or his/her delegate.
- (a) The Canterbury Aero Club accepts no liability for any damage to the non-fleet aircraft, property of any kind, or other thing, or for any other cost howsoever incurred, which arises from the use of a non-fleet aircraft.

10.3 A member may pilot a non-fleet aircraft, as a representative of the Aero Club, in any Flying New Zealand Rally, subject to the written approval of the CFI or his/her delegate. By-Laws 10.2(a) and (c) shall also apply to the member in relation to this activity.

10.4 Where a member, piloting a non-fleet aircraft, is required for any reason to have an instructor in the right seat (eg medical expired or required for the event being flown), that instructor shall be a Club instructor whose time shall be charged to the member at the then current rate for that instructor.

10.5 In relation to any one event, the CEO or the CFI may approve, in writing, any variation to By-Laws 10.1 - 10.4 and impose any other conditions which he or she deems appropriate.



## **11.0 Disciplinary Provisions**

- 11.1 Without derogating from the provisions of Rule 16 of the Club Rules, the CEO and the CFI are each hereby empowered, in respect of any breach of Civil Aviation Rules or Regulations or of these By-Laws or in respect of any wilful disobedience of any instructor's lawful orders or of reckless disregard to good airmanship, to impose:
- (a) Upon any pilot member, a penalty of up to three (3) months grounding.
  - (b) Upon any other person, a ban on flying or hiring or travelling as a passenger in any fleet aircraft for such period as may seem to the CFI to be appropriate in the circumstances.
- 11.2 Any member upon whom any grounding or other penalty has been imposed pursuant to By-Law 11.1 may appeal to the Disciplinary Committee against that grounding or other penalty, and the Disciplinary Committee shall treat that appeal as though it were a complaint laid against that member pursuant to Rule 16.2.
- 11.3 Any penalty imposed under By-Law 11.1 shall not prevent the recipient of the penalty from receiving any other penalty pursuant to the provisions of Rule 16.

## **12.0 Hire Charges & Fees**

- 12.1 Except where the member's account with the Club contains sufficient credit to meet the full cost of a contemplated flight in a fleet aircraft, all charges and other fees shall be paid in full upon completion of any flight or, if the flight office is closed, at the earliest reasonable time after it next opens.
- 12.2 No member who is unfinancial shall be permitted to hire or to fly any fleet aircraft.

## **13.0 Access to Administrative Section of Flight Office**

- 13.1 For the purposes of these By-Laws the administrative section of the Club consists of:
- (a) the offices of the CEO, CFI, and Academy Administrator,
  - (b) the accounting office,
  - (c) the Instructors' room and kitchen,
  - (d) the filing rooms, and
  - (e) the flight office (desk/reception).
- 13.2 Except by express invitation or authority, the administrative section of the Club is out of bounds to all persons except those members of the Club's staff who may be on duty from time to time and who, in the course of their duties, are required to make use of the facilities within the administrative section.

## **14.0 Authorisation to Amend Flying By-Laws**

The Flying By-Laws were approved by the Executive Committee. The latest amendment to these By-Laws, the addition of By-Law 6.5(a)(iv), was approved by the Executive Committee of The Canterbury Aero Club (Incorporated), pursuant to Rule 18 of the Club Rules, on 16 December 2019, to come into force on 01 January 2020.

Geoff Brodie

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