# Part 99 approval of drug and alcohol management plan – compliance matrix

The Civil Aviation Act 2023 (CA Act 2023) and Rule Part 99 references in this compliance matrix have been extracted from civil aviation legislation as the minimum compliance requirements for an operator for the approval of a Drug and Alcohol Management Plan (DAMP). Operators should refer to [AC99-1](https://www.aviation.govt.nz/rules/advisory-circulars/show/AC99-1) and the [Approval of Drug and Alcohol Management Plans (DAMP) – Operational Policy](https://www.aviation.govt.nz/assets/about-us/policies-statements-procedures/Approval-of-Drug-and-Alcohol-Management-Plans-DAMP-Operational-Policy.pdf) for additional information.

A completed compliance matrix must be submitted by the operator for the approval of a DAMP, alongside their DAMP or document suite which makes up the DAMP. Additionally, the DAMP operator should maintain an up-to-date compliance matrix to assist with on-going compliance and to support DAMP amendment requests.

The purpose of the matrix is to speed up the DAMP approval process, ensure every applicable CA Act 2023 and Part 99 requirement has been addressed in the DAMP and reduce the cost of approval by the quick location of required policies or procedures in the operator’s DAMP or document suite.

**All CA Act 2023 and Part 99 requirements must be complied with for a DAMP to be approved**. The intention of this matrix is to assist rather than instruct the applicant.

This matrix needs to be completed by every operator when submitting a DAMP for approval and show the pages and paragraph numbers that satisfy the requirements in the *Document References / Operator’s Comments* column.

Please note ticks (✓) are **not** acceptable.

### DAMP submission formats:

Operators can submit a DAMP in any format, as long as it meets all of the requirements under the CA Act 2023 and Rule Part 99. Submission formats could include:

* CAA DAMP template;
* A bespoke comprehensive DAMP document;
* A document suite made up of various source documents;
* A sub-part of a wider drug and alcohol policy or programme; or
* A chapter of a safety management system.

**DAMP Operator Details**

*These should be the details of the organisation requesting the DAMP approval.*

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| --- | --- | --- | --- | --- | --- |
| **Organisation’s Legal Name:**  |       | **Organisation’s ID:** |       | **Submission dated:** |       |
| **Operating Certificates the DAMP relates to:** |       | **DAMP implementation date:** |       |  |  |

**Invoice Details**

*These should be the details of the organisation or person responsible for invoices.*

|  |  |  |  |
| --- | --- | --- | --- |
| **Organisation or person to be invoiced:**  |       | **Organisation’s ID:** |       |
| **Phone number for invoice enquiries:** |       | **Email for invoices:** |       |

**Declaration by authorised officer/representative**

I confirm in relation to this application (check the boxes):

[ ]  I hold the necessary authority to submit on behalf of the organisation.

[ ]  The person or organisation set out in the ‘details for CAA invoices’ section of this form are aware they are required to pay the invoices from CAA.

[ ]  The organisation has a record of a complete list of the safety-sensitive workers who may be subject to random testing under this DAMP, section 117 of the CA Act 2023 and provisions for Director testing.

|  |  |  |  |
| --- | --- | --- | --- |
| **Full Name:**  |       | **Participant ID:** |       |
| **Position Title:** |       | **Dated:** |       |

| **Requirement to comply** | **Document References / Operator’s Comments** | **CAA Review and Comments (for CAA use only)** |
| --- | --- | --- |
| Schedule 1 clause 26 of the CA Act 2023**An operator must include an implementation date.** CAA advise an implementation date of 5 April 2027.If an earlier date is chosen, notification requirements under the CA Act 2023 (non-negative, consent refusal and tampering) aren’t required to start until 5 April 2027. However, the operator can start random testing earlier if they choose. |       |       |
| **The DAMP should address the following matters in regard to safety-sensitive activities:** |
| Section 114(2)(a) of the CA Act 2023**An operator must include a list of safety-sensitive activities that are related to their operation and the certificates the operator has/is applying for.**Only workers who conduct the safety-sensitive activities listed in the DAMP can be subject to Director testing and other DAMP requirements e.g., notifications and reporting. |       |       |
| **The DAMP should state that workers employed or engaged by the operator, and who perform any of the safety-sensitive activities listed, are subject to random testing.** Only workers who perform the activities and who are employed/engaged are subject to the DAMP. The DAMP may include a list of job descriptions affected or refer to a list of names held outside the DAMP. |       |       |
| **The DAMP should address the following matters in regard to testable drugs:** |
| CAR 99.7 and section 114(2)(b)(i) of the CA Act 2023**The DAMP must specify the drugs that will be tested for in random testing including licit, restricted, illicit and prescription drugs.**AC99-1 advises that reference to the NZ standards (AS/NZS 4308:2023 or AS/NZS 4760:2019) is an appropriate means of meeting this requirement. If the DAMP refers to these standards the list does not need to be repeated in the DAMP.If the DAMP proposes a very limited list of testable drugs – for example only cannabis metabolites – this should be accompanied with thorough justification as to why and be supported with medical advice. The Director has not currently specified any drugs to be tested for.  |       |       |
| Section 114(2)(b)(ii) of the CA Act 2023**The DAMP may specify permissible levels of testable drugs.**DAMPs are not required to include permissible levels of drugs. If permissible levels are included, they must be appropriate (CAA staff should use the Australia/New Zealand Standards AS/NZS 4308:2023 or successor Standards for reference to appropriate levels).If the DAMP refers to the AS/NZ 4308:2023 Standard, then the detectable levels of the standard are considered the “permissible levels”. |       |       |
| **An operator may decide to define the term ‘drugs’.**This definition should align with the use of the term in the DAMP. The definition must not exclude prescription and legal drugs as the issue is impairment and the presence of drugs, not how the drugs were obtained.  |       |       |
| **The DAMP may address the following matters in regard to tolerance for alcohol:** |
| Section 114(2)(b)(ii) of the CA Act 2023**An operator may choose to specify permissible levels of alcohol.** Including permissible levels of alcohol is optional in the Act, however CAA assumes that it is required in practice. CAA advise 0.02% blood alcohol content (100ug/L breath alcohol equivalent) is an appropriate level for aviation safety-sensitive activities. An operator can set a different level (including setting different permissible levels for different safety-sensitive activities). This should be accompanied with a thorough justification. An operator may choose to have 0.0%, which is acceptable.CAA’s position is where no permissible levels are set, the tolerance level for alcohol is zero, which equates to 0.02%. |       |       |
| **An operator may decide to define the term ‘alcohol’.**This definition should align with the use of the term in the DAMP. |       |  |
| **The DAMP should address the following matters in regard to random testing:**  |
| Section 114(2)(b) and Section 115 of the CA Act 2023**The DAMP must include procedures for random testing (section 114(2)(b)) and demonstrate how they meet section 115(4) requirements and how testing will be administered in accordance with the DAMP.**The procedure must include:* Giving the worker a written statement which sets out the statutory powers, how testing will be done and when they will be informed of the result, consent issues, and any consequences.
* Before testing, taking reasonable steps to establish the worker’s identity, explaining and gaining consent, explaining the workers’ rights and any consequences.
* Confirmation that the testing will only be done in accordance with the DAMP which includes testing only in relation to the alcohol and testable drugs specified in the DAMP and any permissible levels specified.
 |       |  |
| Section 115(3) of the CA Act 2023**The operator must ensure the agency/person(s) administering the tests is competent and the DAMP should clearly identify who will be administering the drug and alcohol tests.** The selected tester must administer the tests impartially and legitimately. The DAMP should identify who is doing the testing and what the procedure will be if a screening test is used and signals the presence of drugs or alcohol. |       |       |
| Section 115(4)(a)(ii) of the CA Act 2023**The random testing method should specify how drugs will be tested for.** For example, either a urine or oral fluid sample will be collected, with a non-negative result sent to a clinic for a confirmed result. The method must meet or exceed AS/NZS 4308:2023 (urine) or AS/NZS 4760:2019 (oral fluid). See section 7.6 in AC99-1 for further information. |       |       |
| Section 115(4)(a)(ii) of the CA Act 2023**The random testing method should specify how alcohol will be tested for.** For example, the type of breath testing device and how it will be analysed. The method must meet or exceed AS 3547:2019 or NMI R 126. See section 7.6 in AC99-1 for further information. |       |       |
| Section 113 and 115 of the CA Act 2023**The DAMP must clearly set out how identification of workers will be done in a non-discriminatory way.**The identification of workers to be tested must be random and non-discriminatory. The approach could be:* the provider approaches all or a proportion of safety-sensitive workers.
* a randomiser is utilised to identify a person(s).
* a cross-section of safety-sensitive workers is selected.
* all safety-sensitive workers occupying a specified work team are selected.
* all safety-sensitive workers occupying a specified work location are selected.
* all persons passing through a specified security checkpoint are selected.
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| **The DAMP should set out the frequency of the random testing.** The proposed frequency of the testing should be appropriate and proportionate to the type of operation, number of safety-sensitive workers, fluctuations in worker numbers, etc.The frequency of testing could be:* quarterly;
* X times per 12-month period;
* the provider arrives without warning;
* testing is conducted throughout a 12-month period until a % of the safety-sensitive workers has been tested.
 |       |       |
| **The DAMP should address the following matters in regard to a response plan:**  |
| Sections 114(2)(c) and 117(3) of the CA Act 2023 and rule 99.15**The DAMP must include a response plan. It should provide for the following scenarios and include notifying CAA:*** non-negative alcohol test result
* non-negative drug test result
* refusal to consent to a random test (for alcohol or drugs), and
* suspected tampering.

The DAMP may deal with them separately or group them together. See section 7.10 in AC99-1 for further information on response plans.  |       |       |
| Section 117(1)(a) and 118 of the CA Act 2023**The response plan must clearly set out arrangements and processes for standing down workers who return non-negative drug or alcohol tests; refuse consent; or are suspected of tampering.**The stand down period should be appropriate and proportionate and aim to maintain aviation safety and security.  |       |       |
| **The response plan must include a clear policy for when it is safe for a worker to return to work after a non-negative test; refusal to consent; or tampering.** This should include who makes a decision about when a worker can return to work. The response plan may include seeking medical advice, particularly where drugs are involved. If a DAMP operator employs pilots or air traffic controllers who hold medical certificates, CAA has the final decision on when they can resume safety-sensitive activities. |       |       |
| **The DAMP must address the following in regard to administrative matters:**  |
| CAR 99.17**The DAMP must include appropriate record keeping policies consistent with the rule and must include:*** the worker's name, the safety-sensitive activity, the date of the test and when the results were received, the test results or the refusal to consent, and any suspicion of tampering along with the reasons.
* keeping the records securely for at least 5 years.
 |       |       |
| CAR 99.11**The DAMP must provide for updates and amendments consistent with the rule which is to:*** amend an approved DAMP before it becomes part of the relevant exposition by following the procedure for amending their system for safety management.
 |       |       |
| CAR 99.19**The DAMP must include appropriate procedures for reporting to CAA that are consistent with the Transport Instrument and the rule including:*** submitting a quarterly report which includes the number of workers tested, test results, refusals, tampering, abandoned tests, and the selection process.
* reporting information must be de-personalised.
 |       |       |
| **The DAMP should address the following in regard to Chief Executive acceptance:** |
| CAR 99.13 **The Chief Executive is responsible for meeting all DAMP obligations and must accept and sign the DAMP.** The DAMP should show that it is endorsed/agreed (or similar) by the CE(s) (as listed as the senior person(s) required to be identified in the certification part(s)). |       |       |

END of Participant comments.

**CAA Subject Matter Expert/Staff Consulted:**

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**CAA Use Only**

**Approval**

Assessed By:

Work Request:

The DAMP meets the requirements in the CA Act 2023 and Rules: Select yes or no

If the DAMP does not meet the requirements, summarise which requirements are not met:

DAMP approved: Select yes or no

Date received: DD / MM / YYYY Date approved: DD / MM / YYYY