

Revision 4

## Air Operator Security Programme

27 January 2021

### General

Civil Aviation Authority (CAA) advisory circulars (ACs) contain guidance and information about standards, practices, and procedures that the Director has found to be an acceptable means of compliance with the associated rules and legislation.

Consideration will be given to other methods of compliance that may be presented to the Director. When new standards, practices, or procedures are found to be acceptable they will be added to the appropriate AC.

### Purpose

This AC describes an acceptable means of compliance with the security requirements and standards of Part 108 Air Operator Security Programme.

### Related Rules

This AC relates specifically to CAR Part 108 and the establishment of an air operator security programme required by:

- an airline air operator certificated in accordance with Part 119
- a foreign air transport operator certificated in accordance with Part 129
- Australian air operators operating under ANZA privileges.

### Change Notice

Revision 4 updates the AC to detail the requirements of Part 108 in relation to security controls applied to cargo and mail transported on domestic air transport operations and reflects submissions received

Some of the content of the AC has been updated to comply with current drafting standards.

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## Table of Contents

<b>Definitions used in this Advisory Circular.....</b>	<b>3</b>
<b>Subpart A – General.....</b>	<b>6</b>
Rule 108.1    Applicability.....	6
<b>Subpart B – Air Operator Security Programme Requirements .....</b>	<b>6</b>
Rule 108.51    Air operator security programme requirements.....	6
Rule 108.53    Security requirements - domestic .....	6
Rule 108.55    Security requirements – International .....	20
Rule 108.57    Security clearance of flights .....	33
Rule 108.59    Training of personnel .....	34
Rule 108.60    Records .....	35
Rule 108.61    Incident notification .....	35
Rule 108.63    Screening.....	36
Rule 108.65    Security Programme for ANZA Privilege Airlines.....	36
<b>Appendix I    Hold Baggage Screening Advisory Information for air operators, aerodrome operators and the Aviation Security Service .....</b>	<b>37</b>
<b>Appendix II    Hold Baggage Authorisation advisory material for air operators .....</b>	<b>41</b>
<b>Appendix III    Known Customer relationship advisory material for air operators .....</b>	<b>43</b>

## Definitions used in this Advisory Circular

General definitions can be found in CAR Part 1, Definitions and Abbreviations, the Civil Aviation Act 1990, and the Aviation Crimes Act 1972. The following definitions for terms used in this AC either originate from those enactments or in relevant cases, reflect the general usage by industry and have been listed for the purposes of ensuring a common understanding.

<b>Accompanied baggage</b>	means hold baggage which travels in the same aircraft as the passenger or crew member that checked it in.
<b>Appointed person</b>	means a person appointed by an aircraft operator or by the operator's agent as responsible for hold baggage authorisation for a particular flight.
<b>Authorised baggage</b>	means baggage where the requirements of hold baggage authorisation have been met.
<b>Baggage</b>	means personal property of passengers or crew carried on an aircraft by agreement with the operator, or personal property of passengers or crew that is intended by passengers or crew to be carried on an aircraft.
<b>Baggage container</b>	means a receptacle in which baggage is loaded for conveyance in an aircraft.
<b>Baggage sorting area</b>	means that area in which departure baggage is sorted into flight loads.
<b>Cargo</b>	means any property carried on an aircraft other than mail, stores and baggage.
<b>Carry-on baggage</b>	means baggage and any other item that— (1) is carried on to an aircraft by a passenger or crew member with the agreement of the operator; and (2) remains in the custody of the passenger or crew member.
<b>Cleared Bag</b>	means an item of checked baggage that has been cleared for travel at any level of screening.
<b>Crew baggage</b>	means hold baggage belonging to the crew of an aircraft.
<b>Declaration of Security</b>	means a declaration of security issued under Civil Aviation Rule Part 109 (applicable for international and domestic air passenger services) or a declaration of security issued under Civil Aviation Rule Part 108 (applicable for domestic air passengers services only).
<b>Dedicated transfer baggage container</b>	means a baggage container in which transfer baggage destined for the same airport is loaded.
<b>Enhanced Security Controls and Enhanced Security Control Measures</b>	means any one or more of the following measures: (1) searched by hand;

- (2) screened using conventional x-ray equipment from at least two different angles in succession by the same x-ray operator;
- (3) screened using a non-certified explosives detection system operated in the indicative mode, i.e. where the x-ray image is presented to the x-ray operator for assessment and decision;
- (4) screened using a certified explosives detection system operated in either the automatic or indicative mode;
- (5) subjected to decompression in a simulation chamber and subsequently held securely for the remaining period of the estimated flight time prior to it being loaded; or
- (6) any other measure approved by the Director as an enhanced security control measure.

<b>Expedite baggage</b>	means mishandled baggage, which the airline operator has confirmed, traced and located the owner of, and which is being forwarded to be reunited with its owner.
<b>Gate baggage</b>	means baggage taken from passengers at the boarding gate or aircraft side for placing in the hold of the aircraft which have not been added to the main hold baggage manifest.
<b>Hold baggage</b>	means baggage placed in the hold of the aircraft.
<b>Hold baggage manifest</b>	means a record of all hold baggage carried on an aircraft, which may include sub-lists of expedite baggage, crew baggage, transfer baggage and gate baggage and which may be electronic or manual or a combination of both.
<b>Known Customer</b>	means a shipper of cargo or mail who has an established association with a regulated air cargo agent or an air operator for the carriage of the shipper's cargo or mail by air and who is registered with the regulated air cargo agent or the air operator.
<b>Mail</b>	means any letter, package, parcel, postcard, or other article that is to be delivered by courier, a postal operator, or other postal agency, or diplomatic agency.
<b>Mishandled baggage</b>	means baggage involuntarily or inadvertently separated from the passenger or crew.
<b>Regulated Air Cargo Agent (RACA)</b>	means the holder of a regulated air cargo agent certificate issue in accordance with Part 109.
<b>Security certificate</b>	means a certificate completed by the person who carried out the enhanced security control on an expedite bag certifying that the expedite bag has been subject to enhanced security controls and may be carried on an aircraft.
<b>Security control</b>	means a method used to prevent the introduction on board an aircraft or at an aerodrome of a weapon, explosive or other dangerous device,

article or substance that may be used to commit an act of unlawful interference.

**Suspect Bag** means an item of checked baggage that has been subjected to one or more levels of screening and indicates the presence of Improvised Explosive Device (IED) qualities and requires further investigation.

**Suspicious Bag** means a bag that continues to indicate the presence of IED and cannot be cleared after the application of hold baggage screening processes.

**Transfer baggage** means baggage that is transferred directly from one aircraft to another aircraft.

**Transit baggage** means baggage that—

- (1) is on board an aircraft that arrives at an aerodrome; and
- (2) is still on board that aircraft when that aircraft leaves the aerodrome.

**Unauthorised baggage** means baggage that has not met the requirements of hold baggage authorisation.

**Uncleared Bag** means an item of checked baggage that until subjected to further screening measures cannot be cleared for carriage on an aircraft.

## Subpart A – General

### Rule 108.1 Applicability

An airline operator certificated in accordance with Part 119 to conduct a regular air transport operation with an aircraft that has a passenger seating configuration (excluding any required crew seat) of more than 9 seats, and a foreign air transport operator certificated in accordance with Part 129 to conduct a foreign air transport operation carrying 10 or more fare paying passengers, must establish an air operator security programme that meets the requirements of Part 108. The air operator security programme required for a Part 119 air operator certificate holder and a Part 129 foreign air operator certificate must be included in the certificate holder's exposition and the security programme cannot be amended without the prior acceptance of the Director. An Australian AOC holder with ANZA privileges must establish and implement an air operator security programme that meets the requirements of Part 108.

## Subpart B – Air Operator Security Programme Requirements

### Rule 108.51 Air operator security programme requirements

This is the general introductory requirement leading into the specific regulatory requirements covering both domestic and international air transport operations.

#### Rule 108.51(1) Contract arrangements

This rule requires the security programme to contain the contractual arrangements by which the air operator will ensure that any contractor or agent involved in the handling of the air operator's services will comply with the security programme of the air operator. The specific content of any standard clause in contracts with the contractor or agent will normally be sufficient. Such contractual arrangements with respect to code-share flights need to be documented in the security programme to clarify responsibility and accountability.

#### Rule 108.51(2) Training

For this requirement to be satisfied, any training carried out under this Rule needs to be carried out by a security instructor who has demonstrated competency to the Chief Executive, or to a person nominated by the Chief Executive. The air operator may identify a person, or persons, by name or simply by position. However, if the latter approach is used, the procedure must identify the process by which the competency of the people will be established. A list of the names of people so approved will need to be held by the operator for checking and confirmation during monitoring processes.

### Rule 108.53 Security requirements - domestic

This rule applies to all air operators operating a domestic regular air transport passenger service in accordance with Parts 121, or 125, and to all Australian air operators operating with ANZA privileges.

#### Rule 108.53(b)(1) Carriage of a firearm in the aircraft

This rule requires the air operator to establish procedures for the carriage of a firearm in the passenger cabin of an aircraft on a regular air transport operation.

For compliance with this Rule, the air operator needs to document procedures for the carriage of a firearm in respect of flights within New Zealand. The procedures will need to cover the following as required under rule 91.9 relating to the carriage of a firearm including:

- prohibition of carriage in the passenger cabin of an aircraft without the approval of the Director; and
- identification of the responsible senior person within the air operator's organisation who holds a delegation from the Chief Executive to give the operator's agreement for carriage of a firearm in the passenger cabin of an aircraft; and
- a procedure for notification to the pilot in command of the aircraft of the number of people authorised to carry such weapons in the aircraft cabin and their seating position in the aircraft.

Approval for the carriage of firearms in the passenger cabin of an aircraft, on a regular air transport service, will only be granted where—

- (a) the carrier of the firearm is a duly authorised police, or other law enforcement, officer; and
- (b) where such carriage is considered by the Director to be essential; and
- (c) the Commissioner of Police supports the request for the permission; and
- (d) the operator agrees to the carriage.

#### **Rule 108.53(b)(2) Contingency procedures for responding to threats**

This rule requires the documentation of contingency practices and procedures to be applied by management, aircraft crew, and ground personnel to minimise the danger to the air operator's passengers, crew, and ground personnel in the event of a hijacking, bomb threat, or any other threat of unlawful interference to which these rules apply.

The following specific matters are to be included when formulating a contingency plan to deal with the situations envisaged:

- (a) initial notification;
- (b) information to be notified;
- (c) action by the aircraft crew and ground personnel;
- (d) action by airline management;
- (e) co-ordination with other organisations; and
- (f) public affairs.

An air operator is required to include contingency plans in their security programme dealing with bomb threats in accordance with, or compatible with, established bomb threat assessment policy. Specific details concerning this are security sensitive and not suitable for inclusion in this publicly available AC. Relevant information is available on application from:

Security Regulation Unit  
Civil Aviation Authority  
PO Box 3555  
Wellington 6140

Email: security@caa.govt.nz

### **Rule 108.53(b)(3) Security of unattended aircraft**

This rule requires the air operator to establish practices and procedures for the security of an unattended aircraft to prevent unlawful interference with such aircraft. The security practices and procedures need to be sufficient to prevent an unauthorised person gaining access to an aircraft that is on the ground and where there is no member of the crew or the air operator's ground staff or agent present to control access to the aircraft (i.e. unattended aircraft and aircraft that may be subject to screening in accordance with Rule 108.53(b)(8)). These security practices and procedures are aimed at preserving the security integrity of the aircraft before the aircraft is used on a regular air transport passenger service. The documented practices, procedures, and the responsibilities must be included in the air operator's security programme and be able to be implemented at all times.

The security practices and procedures for an unattended aircraft need to include:

- (a) responsibility for security of an unattended aircraft while the aircraft is—
  - (1) in preparation for a particular service; and
  - (2) between services in a transit, or similar, situation; and
  - (3) parked over night or otherwise temporarily out of service;
- (b) the closing up of the aircraft, and where it is possible to do so, securing of the aircraft doors, emergency exits, and baggage and cargo doors;
- (c) the removal of access steps, air bridges and other aids to getting into or onto an aircraft and the securing of same against unauthorised use;
- (d) the illumination or other protection of aircraft parked outside overnight. Different measures will be appropriate at—
  - (1) aerodromes where there is full time night security surveillance provided; and
  - (2) aerodromes where there is no full-time night security;
- (e) security of hangars where an aircraft is parked when not in service;
- (f) internal and external inspection of an aircraft by crew, or other authorised people, after the aircraft has been unattended, including appropriate measures to cover—
  - (1) normal situations; and
  - (2) circumstances where an aircraft subject to screening in accordance with Rule 108.53(b)(8) is an originating service or returning from maintenance; and
  - (3) circumstances where unauthorised access has, or is suspected of having, occurred; and
  - (4) circumstances where the aircraft is operating under higher than normal threat factor; and
  - (5) circumstances where the aircraft has been, or is suspected of having been, interfered with; and

- (g) identification of people authorised to have access to aircraft, (via ID Cards, passenger boarding documentation, direct escort by operator or handling agent staff, and crew), and the checking of these credentials by operator, crew, or handling agent staff.

**Rule 108.53(b)(4) Security area and Security Enhanced area and Operational area access control**

This rule requires the air operator to establish practices and procedures for the positive control of access through any facility leased, owned, or used by the operator or its agents. These procedures also need to include other situations where access is provided exclusively for, or for the time being, being used for the access of the air operator's passengers, personnel, cargo, baggage, freight, or aircraft supplies. The operator is to include these in their air operator security programme.

Without in any way reducing the responsibility of the operator to prevent unauthorised access, the air operator should include procedures for immediate steps to be taken to report to the appropriate authorities where—

- (a) it has not been possible to prevent the access of any unauthorised person through a facility as detailed in their air operator security programme; or
- (b) it is suspected that access control may have been breached for any reason.

The action detailed needs to be appropriate to reduce risk to aircraft operational security and safety, including the security searching of the aircraft where the circumstances suggest such action is appropriate.

The responsibility of the air operator is based on Rule 19.355 which provides that:

*No person shall, without lawful authority,—*

*(1) leave open or insecure or otherwise uncontrolled any door, gate, or other barrier provided at any aerodrome to control access to any security area, security enhanced area, or operational area;*

*(Security area and Security Enhanced area are defined in CAR Part 1, and Operational area in CAR Part 19).*

Within New Zealand, where the access control is provided by the air operator, the aerodrome operator, or the Aviation Security Service, no further approval is required. However, where any other organisation desires to carry out this activity on behalf of others, either exclusively for an operator, or on behalf of two or more certificate holders, the organisation is required to be approved by the aerodrome certificate holder and the Director of Civil Aviation.

**Rule 108.53(b)(5) Baggage, cargo, courier, and mail, aircraft supplies and stores**

This rule requires documentation of the procedures by which baggage, cargo, courier parcels, and mail, aircraft supplies, stores, and air operator's supplies handled and carried on the operator's aircraft are to be afforded appropriate security controls. The rule is outcomes based in that it establishes a requirement for appropriate security controls but does not specify what those controls are. Guidance and information is presented below on standards, practices, and procedures that the Director has found to deliver a suitable level of security control in the current domestic security environment and that accordingly are appropriate and an acceptable means of compliance.

## Baggage

An air operator security programme must include procedures to prevent unauthorised access to passenger baggage from the time of its acceptance by the air operator. Baggage must be maintained in a secure environment at all times while in the custody of the air operator.

## Cargo and Mail

Cargo and mail carried on air transport passenger operations that are subject to this Rule 108 must be subject to security controls to prevent the introduction of weapons, explosives, or any other dangerous devices that may be used to commit an act of unlawful interference.

It should be noted that CAR Part 109, Regulated Air Cargo Agent—Certification, applies only to cargo carried on international air passenger services and not to domestic passenger services which are the subject of this guidance material. However, there is nothing that precludes a declaration of security issued under Civil Aviation Rule Part 109 from being accepted for cargo carried on domestic air passenger services.

To protect shipments against the introduction of weapons, explosives, or any other dangerous devices that may be used to commit an act of unlawful interference air operators may, without further security measures, accept cargo for shipment only from known customers. An air operator security programme needs to include the means by which the operator has accepted the shipper as a known customer and the means by which the identity of these known customers is made available to persons accepting the cargo for carriage. Where—

- (a) the identity of the shipper is not known; or
- (b) compliance with above known customer procedures cannot be proved; or
- (c) the delivery is made through a third party; or
- (d) the actions of the shipper arouse suspicion—

security controls must be applied to the cargo or mail to prevent any weapon, explosive or other dangerous device, article or substance that may be used to commit an act of unlawful interference from being placed on board the aircraft. This can be achieved by physical inspection, x-ray, explosives trace detection (ETD) or explosives detector dogs (EDD).

## Mail

Procedures are to be included, and implemented, that will prevent airmail and air parcel post that has not been received through normal postal channels from being loading aboard aircraft.

Procedures are to include the examination of seals and other security arrangements, developed in collaboration with postal authorities and other involved agencies, to ensure that shipments of mail have not been interfered with.

## Cargo and Mail Acceptance and Transport

### Acceptance

The air operator should have procedures for the acceptance of cargo and mail to determine if the cargo and mail is from a:

- Regulated Air Cargo Agent (RACA);

- known customer; or
- unknown customer.

A RACA is defined in Rule Part 1 as the holder of a regulated air cargo agent certificate granted under section 9 of the Civil Aviation Act 1990 and in accordance with Civil Aviation Rule Part 109.

A known customer is defined in Rule Part 1 as a shipper of cargo or mail who has an established association with a RACA or an air operator for the carriage of the shipper's cargo or mail by air and who is registered with the RACA or the air operator. This definition refers to the actual shipper or originator the goods for the consignment to be flown on an aircraft. This is the company or person who actually packs the cargo or mail and can verify that only the intended items are contained within the consignment. A known customer must be able to demonstrate to the air operator that they are the originator of the cargo they present for carriage. Appendix III provides additional guidance on establishing and maintaining the known customer relationship.

A known customer may also be a consolidator of various cargo shipments and can present multiple individual shipments under one consignment note or air waybill. This requires that the known customer has a business relationship with each of the shipper's cargo that is being presented and there is the known customer methodology applied from the originator of the goods.

- i. If the consolidator receives cargo from an entity who is not a recognised known customer of the consolidator, then the consolidator must:
  - a. Have appropriately trained personnel inspect the cargo to confirm the contents of the package(s) are as described on the related shipping information and that it contains no prohibited items prior to being presented to the air operator or,
  - b. Declare the cargo as unknown to the Air Operator and the shipment must then be screened using the applicable security measures required.

An unknown customer is one where there is no established relationship with the air operator or RACA and no security controls have been applied to the cargo prior to acceptance by the air operator.

All cargo and mail presented for carriage by air should be checked by the person accepting the cargo and mail on behalf of the air operator to check whether it has originated from a RACA known customer or unknown customer.

In practice the air operator should:

- Provide all staff accepting cargo and mail with access to the current list of RACAs from the CAA website.
- Maintain a centralised and up to date list of the air operator's known customers that can be accessed by all staff accepting cargo and mail.

#### *Acceptance – RACA*

The following prescribes the steps to achieve an acceptable means of compliance in relation to the acceptance of cargo or mail from a RACA:

- Confirm the cargo or mail is from a certificated RACA.

- Confirm the cargo or mail has been delivered by a person authorised under Civil Aviation Rule Part 109 to deliver that cargo or, where the cargo or mail has been delivered in a tamper evident manner visually check the cargo or mail to ensure it has not been tampered with. If there is any indication the cargo or mail has been tampered with the cargo should not be accepted or should be treated as unknown.
- Confirm the cargo or mail has been accompanied by a security declaration.
- Accept cargo for carriage and store in a secure area that prevents unauthorised access until it is loaded onto an aircraft for carriage, as referred to under the heading of Air Operator Facility Requirements below.

#### ***Acceptance - Known customer cargo***

The following describes the steps to achieve an acceptable means of compliance in relation to the acceptance of cargo or mail from a known customer.

- Confirm the cargo or mail is from a known customer approved by the airline.
- Confirm the cargo or mail has been delivered by a bone fide representative of the known customer.
- Ask the customer or delivery agent of the goods for identification. Record the type of identification presented including any serial or issuing number on the declaration, e.g. passport, Avsec ID and/or drivers licence number.
- Check the consignment note, or other document that describes the contents to ensure the cargo or mail contains no prohibited items, weapons or explosives.
- Check the cargo or mail matches the documented description.
- Visually check the cargo or mail to ensure it has not been tampered with. If there is any indication the cargo or mail has been tampered with, the cargo should either not be accepted or should be treated as unknown.
- If the cargo contains no prohibited items, weapons, explosives or dangerous goods and shows no sign that it has been tampered with, complete a cargo consignment note together with a security declaration.
- Accept cargo for carriage and store in a secure area that prevents unauthorised access until it is loaded onto an aircraft for carriage, as referred to under the heading of Air Operator Facility Requirements below.

#### ***Acceptance - Unknown customer cargo***

The following describes conditions and steps to achieve an acceptable means of compliance in relation to the acceptance of cargo or mail from an unknown customer.

- The cargo or mail is presented by the customer.
- Cash payments (including cheques) should not be permitted and only an electronic form of payment, e.g. credit card, eftpos or wired transfer should be used.
- Ask the customer for identification. Record the type of identification presented including any serial or issuing number, e.g. passport and drivers licence number on the declaration. The record of identification should be retained for at least 31 days.

- The person accepting the item on behalf of the air operator must complete a visual inspection of the cargo or mail to check it matches the documented description in terms of size and weight
- Ask customer to open consignment in presence of the air operator's personnel. If the customer refuses to open the consignment, do not accept it for carriage.
- Customer opens consignment.
- Conduct a physical inspection of the contents and if needed, ask the customer to remove the contents to ensure no prohibited items, weapons, explosives or dangerous goods are contained within the consignment; or, screen cargo by use of one or more of the following approved screening methods:
  - Conventional x-ray equipment
  - Advanced technology x-ray explosives detection system (AT-EDS);
  - ETD systems;
  - EDDs;
  - Computed tomography; and/or
  - Any other screening technology or method acceptable to the Director.
- Cargo is cleared when it has had security controls applied to it, that give no indication of the presence of any weapon, explosive, or other dangerous device, article or substance, that may be used to commit an act of unlawful interference.
- Complete a cargo consignment note together with the security declaration information.
- Complete Unknown Customer portion of the declaration.
- Endorse the type of security measure applied as either technical (i.e. x-ray, ETD, EDD) or other means (including visual and physical).
- Check the declaration before the customer departs for accuracy and completion.
- Accept cargo for carriage and store in a secure area that prevents unauthorised access until it is loaded onto an aircraft for carriage, as referred to under the heading of Air Operator Facility Requirements below.

### **Aircraft Supplies, Stores, and Air Operator's Supplies**

Appropriate security control procedures must be documented for aircraft supplies and stores. These include any catering supplies provided to the air operator.

Air Operators need to have procedures to ensure that aircraft supplies are handled in a secure environment by a trusted or known supplier. The means of concluding that the supplier is trusted or known must be included in the security programme.

Where the aircraft supplies or stores are obtained from an area that is not included within the secure aerodrome environment, procedures must be documented for ensuring that no weapons, explosives, or any other dangerous devices that may be used to commit an act of unlawful interference can be placed within the supplies or stores.

## **Miscellaneous Relevant Guidance**

### **Air Operator Facility Requirements**

The air operator is required to provide a secure environment for receiving consignments of cargo and mail, applying security controls, storing consignments, and delivering the consignment to the aircraft to ensure that consignments are not tampered with and to prevent the introduction of any weapon, explosive, or any other dangerous devices that may be used to commit an act of unlawful interference.

The facilities must be arranged to ensure that an air operator's personnel are able to distinguish between a consignment from an unknown customer, and a consignment from a known customer or one which has had security controls applied to it.

The outcome sought is that cargo and mail is managed in a manner that will ensure its security within the air operator's facilities from the time of acceptance from a known customer, or having had security controls applied to it in the case of acceptance from an unknown customer, until delivery to the aircraft.

### **Screening of Cargo or Mail**

Any method of screening, including technical or other means, to be used by the air operator must meet standards acceptable to the Director. The Director will need to take into account the ability of any particular screening method to detect an aviation threat sized quantity of explosive. A range of factors may impact on what quantity of explosive could be considered to be a 'realistic aviation threat' in any particular instance.

The outcome sought is that cargo and mail is screened to a standard that will detect weapons, explosives, or any other dangerous devices that may be used to commit an act of unlawful interference.

### **Screening systems testing**

Air operators should have procedures in place to ensure screening methods are subject to periodic tests.

Where cargo is screened using one of the approved screening methods, that equipment should be tested at least once every 28 days to give ongoing assurance that the method is functioning as required and capable of delivering ongoing and appropriate levels of detection.

A test of the proficiency of the personnel who conduct screening methods should be conducted at least once every 150 days.

Further guidance that may assist in developing procedures, or the acceptability of screening methods and testing processes (including acceptable test pieces) can be found in Civil Aviation Rule Part 109, Appendix B.2, AC 109 (109.57 Screening Procedures) and Security Sensitive Air Cargo Security Guidance Material. While the guidance in AC 109 was developed for international cargo security purposes, the contents are applicable to the periodic testing of cargo screening activity on a general basis, regardless of whether or not that screening is conducted for international or domestic purposes.

Security Sensitive Air Cargo Security Guidance Material is available to air operator certificate holders upon application from:

Security Regulation Unit  
Civil Aviation Authority  
PO Box 3555  
Wellington 6140  
E-mail: [security@caa.govt.nz](mailto:security@caa.govt.nz)

### **Transport of Cargo and Mail**

RACA – Civil Aviation Rule 109 requires a RACA to protect cargo or mail from any act of tampering from the time the consignment leaves the RACA's access controlled area until the time the consignment is accepted by the air operator.

*Known Customer* - Security controls applied to a known customer's cargo and mail, must be sufficient to prevent the placing of prohibited items, weapons or explosives in it during transportation to the air carrier.

This can be achieved by the cargo and mail being delivered to the air operator in a tamper evident manner where it would be clearly detectable should it be tampered with.

Vehicles carrying a known customer's cargo and mail should be attended. If the driver has to leave the vehicle for any reason, the vehicle must be secured. Persons delivering a known customer's cargo and mail to an air operator should provide positive identification and documentation provided by the known customer showing that the person is a bona fide employee or representative of that known customer.

Cargo and mail should be stored within an access-controlled area at the aerodrome, as referred to under the heading of Air Operator Facility Requirements above.

### **Domestic Transfer of Cargo and Mail**

Cargo or mail which does not leave the airport and is transferred directly from one domestic flight to another domestic flight (tail to tail) will not be subject to additional security controls in accordance with 18.53(b)(5), provided the appropriate security controls were applied at origin and the cargo is accompanied by a security declaration issued under Civil Aviation Rule Part 108 or Part 109.

### **Rule 108.53(b)(6) People obliged to travel – flight security**

This rule requires the air operator to establish practices and procedures sufficient to protect the safety and security of flights in situations where any person is to travel and an element of compulsion to travel is involved. This is to apply whether the passenger is travelling as a prisoner under escort, or is a person under any other judicial or official administrative proceeding. **Rule 108.53 (c) also applies.**

Rule 19.359 requires any New Zealand or foreign government agency to notify the air operator where it is proposed that any person who is subject to judicial or administrative procedures is to travel on a commercial passenger flight. The agency must inform the operator of the circumstances of the proposed travel. If the operator agrees to allow such travel to proceed, the operator may impose such conditions as it considers necessary for the safety of the flight, and must notify the pilot in command. The agency involved must comply with all such conditions imposed by the operator.

For compliance with rule 108.53(b)(6), the practices and procedures documented in the programme should address the following:

- (a) the procedures for considering each case and imposing conditions upon the travel that are sufficient to minimise the risk to the flight, other passengers, and crew, arising from the carriage of such people;
- (b) the procedures for declining to accept carriage of the person where the operator considers that the circumstances are such that safety cannot be reasonably assured;
- (c) where the travel involves the passenger transferring to a flight of another operator at any point of the journey, the procedures for ensuring, before the flight begins, that the other operators have been advised of the travel and have arranged conditions on that travel;
- (d) the following provisions are required only in respect of the carriage of people in custody in accordance with rule 108.53(c):
  - (1) people in custody must not be transported on board a regular passenger air service unless escorted by one or more escorting people;
  - (2) escorts must ensure that the person in custody does not carry any potentially dangerous items that could be used as a weapon;
  - (3) escorts are to be equipped with adequate restraining devices to be used in the event that restraint is necessary. Such restraint should not, under normal circumstances, include the prisoner being shackled to any part of the aircraft;
  - (4) escorts are to adequately identify themselves to security personnel and law enforcement officers on duty at the point of departure, where appropriate on board the aircraft, and at any transit or transfer stop during the journey;
  - (5) the operator must ensure that the pilot in command and the senior cabin crew member on board are appraised of the fact that there is a prisoner, or are prisoners, and escorts on the flight, of the security precautions being taken, and of the seating arrangements;
  - (6) escorted people are to be emplaned before the other passengers, and deplaned after all other passengers have left the aircraft;
  - (7) people in custody, and their escorts, are to be seated as far to the rear of the aircraft as possible, but not immediately adjacent to any exit door;
  - (8) where the aircraft seating configuration permits, people in custody are to be seated in a row of two or more seats and at least one escort should be seated between the person in custody and the aisle. In an aircraft where this is not possible, the escort is to be seated immediately opposite the person under escort;
  - (9) people in custody should be accompanied at all times, including visits to the lavatory;
  - (10) no intoxicating liquor may be served to either people in custody or escorts, but food may be served at the discretion of the escort. People in custody are not to be provided with metal utensils for eating;
  - (11) in the case of people considered to be particularly dangerous by the escorting agency or on the evaluation of the air operator, at least two escorts are to be provided. No more than one such person in custody and escorts are to be carried on any one flight;

(12) in any circumstances, the air operator is to limit the number of people in custody carried on any one flight in accordance with rule 108.53(c)(9) to—

- one person in custody on aircraft with up to 29 passenger seats; or
  - one further person-in custody for each additional 25 seats (See Table 1 below);
- (e) the carriage of mentally disturbed people who, in the opinion of the operator or the agency responsible for the person, are considered to be dangerous, may be accepted for transportation under the following conditions—
- they are accompanied by attendants physically capable of restraining such people if necessary; or
  - the attendants are capable of administering medication as may be required; or
  - where a mentally disturbed person requires sedation prior to departure, each portion of the flight should last no longer than the effective duration of the sedative administered;
- (f) deportees, and other people travelling under administrative procedures, are to be evaluated, for their propensity to endanger the safety or security of the flight. This evaluation is to be carried out by a responsible representative of the operator. Where the operator's representative considers that any risk to safety exists, the operator's security personnel or advisers should be consulted. Based upon such an evaluation, the operator may arrange for additional security measures, as are appropriate in the circumstances, sufficient to ensure the safety of other people on board and of the flight.

The following table details the maximum number of persons in custody to be carried in accordance with rules 108.53(c)(9) and 108.55(c)(9).

**Table 1 - Maximum number of persons in custody per aircraft seating capacity**

<b>Aircraft Certificated Seating Capacity</b>	<b>Maximum Number of Persons in Custody to be carried</b>
1-29	1
30-54	2
55-79	3
80-104	4
105-129	5
130-154	6
155-179	7
180-204	8
205-229	9

**Rule 108.53(b)(7) Passenger and baggage reconciliation – passenger failing to board**

This requirement is in addition to any other security measures that may have been afforded a passenger's checked baggage. It requires the air operator to establish and include, in their air operator security programmes, practices and procedures for a positive reconciliation of baggage to be loaded on board. The reconciliation is to be between the baggage and the passengers to be carried. The purpose of this requirement is to confirm that all people who check in for a regular

air transport operation (whether as a joining, transit, or transfer passenger) board or re-board the aircraft. In every case where checked baggage has been accepted and the passenger fails to board or re-board the aircraft, the baggage must not be loaded, or if already loaded the risk is to be assessed by the operator and the pilot in command.

Based on the assessment of the risk, a decision is then to be made, by the pilot in command, whether the baggage should be transported on the aircraft or be removed from the aircraft before departure. Checked baggage of a person who has failed to board must not be reloaded onto a regular air transport aircraft until it has been subjected to specific inspection by trained and competent security staff. In addition to any x-ray or other technical examination, the inspection should include detailed hand inspection.

As an exception to the above requirements, an air operator may include procedures for baggage to remain on board in circumstances where the passenger is unable to embark or re-board under the following circumstances that are clearly and verifiably beyond the control of the passenger—

- (a) in the event of the passenger's death after check-in and before the aircraft departure; or
- (b) if the passenger elects to off-load himself or herself at an alternative airport as a result of diversion to that airport by the operator due to operational factors alone, such as flight delays or flight cancellation for weather or mechanical reasons, or for operational conditions at the originally planned aerodrome of arrival; or
- (c) if the operator reroutes the baggage, or a passenger, because of weight, or similar operational requirements, that could not have been anticipated by the passenger at the time the baggage was checked in with the airline. This does not apply where the passenger volunteers to be offloaded or where the change is at the passenger's request.

Any such procedure needs to include a documented decision-making process that includes consultation with the pilot in command of the departing aircraft.

#### **Rule 108.53(b)(8) Passenger screening contingency**

This rule requires the air operator to establish and include, in their respective air operator security programme, contingency practices and procedures for screening of passengers, crew members and the carry-on baggage of those passengers and crew members boarding a domestic regular air transport passenger service, when such screening in accordance with rule 108.63 is required by the Minister or Director, under sections 77A or 77B of the Civil Aviation Act 1990 respectively.

Rule 108.63 details the requirements for screening carried out in New Zealand which must be conducted by the Aviation Security Service or by personnel operating under the Service's direct supervision.

The Director has issued a direction, under Section 77B of the Civil Aviation Act 1990, for screening of passengers and crew members, and the carry-on baggage of those passengers and crew members intending to travel on aircraft with a maximum type certificated passenger seating capacity of more than ninety seats, unless the Director is satisfied that such screening is unnecessary in a particular case.

Detailed guidance material on acceptable means of compliance with the operational requirements of the Section 77 B Direction is security sensitive and not suitable for inclusion in this publicly available AC. Relevant information for air operator certificate holders is available upon application from:

Security Regulation Unit  
Civil Aviation Authority  
PO Box 3555  
Wellington 6140  
Email: security@caa.govt.nz

Any screening must be appropriate to prevent the introduction of unauthorised articles and dangerous items onto the aircraft. The screening must take place in an environment that prevents any person so screened from having contact with any person or item that has not been subject to security control. If any person, travelling on the aircraft and having been screened, comes in contact with people or objects that have not been subjected to security control, all people boarding or having boarded the aircraft for the departure must be re-screened. This requirement exists from the time the security screening is completed, for any individual, until the closing up of the aircraft for departure. Where any person refuses to be screened or fails to present their hand baggage for screening, the operator must not permit that person or their baggage to board the aircraft or to come into contact with any person who has been screened. Section 12(2) of the Aviation Crimes Act 1972 refers.

Royalty and Heads of State of any country, and their spouses, travelling on official business may be exempt from passenger screening. This will only be in circumstances where the security provided the person concerned, and their baggage, has been subject to effective security provided by their official escorting party. This exemption does not extend to other people travelling with the Royal person or the Head of State.

#### **Rule 108.53(b)(9) Domestic hold baggage screening contingency**

This rule requires the air operator to establish and include, in their respective air operator security programme, contingency practices and procedures for screening baggage other than carry-on baggage belonging to passengers and crew members on a domestic regular air transport passenger service when, as a result of an increased level of security risk, such screening in accordance with rule 108.63 is required by the Minister or Director under sections 77A or 77B respectively.

Rule 108.63 details the requirements for screening carried out in New Zealand which must be conducted by the Aviation Security Service or by personnel operating under the service's direct supervision.

Where any person refuses to allow their hold baggage to be screened, the air operator must not allow that baggage to be carried on board the aircraft. Section 12(2)(b) of the Aviation Crimes Act 1972 refers.

The screening must take place in an environment that prevents any bag so screened from having contact with any unauthorised or unscreened person.

Royalty and Heads of State of any country, and their spouses, travelling on official business may be exempt from baggage screening. This will only be in circumstances where the security provided the person concerned, and their baggage, has been subjected to effective security provided by their official escorting party. This exemption does not extend to other people travelling with the Royal person or the Head of State.

**Rule 108.53(b)(10) Increased level of security risk**

This rule requires the air operator to establish and document practices and procedures for reacting to situations where the Director requires the air operator to apply additional security measures in circumstances where the Director is aware of an increased level of security risk. The operator will also need to document the procedures for the implementation of the specified measures for all flights from such aerodromes as the Director may specify.

*Appendix 8 of New Zealand's National Aviation Security Programme reference document provides an outline of national practices and systems for actioning temporary additional measures.*

**Rule 108.53(b)(11) Preventing unauthorised access to an aircraft flight crew compartment.**

This rule requires the air operator to develop procedures and practices relevant to the aircraft type and configuration that will prevent unauthorised persons from gaining access to the aircraft flight crew compartment. These procedures must be included in the security programme or be referenced in the security programme as to their location within other operational manuals required for certification purposes.

In aircraft fitted with flight crew compartment doors and in instances where there is a need to provide access during flight, the procedures must include methods of ensuring that unauthorised access is not gained during any period a door is opened.

By way of guidance, in the case of a person wishing to exit the flight crew compartment, that person should consider the following, prior to opening the door:

- verifying with the cabin crew that any adjacent lavatory is not occupied by a passenger;
- determining the circumstances that exist outside the door, particularly on any high-risk flight or when an unknown passenger is within easy access of the door; and
- confirming that cabin crew are positioned to block passenger access to the door area when it is opened.

It is essential that doors only be opened for the minimum time required to quickly leave or enter the flight crew compartment.

In the case of aircraft not fitted with flight crew compartment doors, procedures must provide for management of the access to the flight crew compartment by all practicable means. This may include appropriate signage and advice to passengers or other procedural based measures that may be specific to the type of aircraft involved.

Regardless of whether or not an aircraft is fitted with a flight crew compartment barrier, visits to a flight crew compartment should be confined to persons authorised by the pilot-in-command and procedures must be established for this. Only persons authorised by the pilot-in-command should be permitted access. Documentation must outline the procedure for authorising a person to access the flight crew compartment and the number of persons should be kept to a minimum.

**Rule 108.55 Security requirements – International**

This rule applies to all air operators certificated in accordance with Part 119 who conduct international regular air transport passenger services using aircraft with a passenger seating configuration of more than 9 seats. It also applies to all foreign air operators certificated in accordance with Part 129 who conduct a foreign air transport operation carrying 10 or more fare paying passengers, and holders of an Australian AOC with ANZA privileges.

**Rule 108.55(b)(1) Carriage of a firearm in the aircraft**

This rule requires the air operator to establish procedures for the carriage of a firearm in the passenger cabin of an aircraft on a regular air transport operation.

For compliance with this rule, the air operator must document procedures for the carriage of a firearm in respect of flights from, or within, New Zealand or that will be arriving at any New Zealand aerodrome from any overseas aerodrome.

The procedures will need to cover the following as required under rule 91.9 relating to the carriage of a firearm including:

- prohibition of carriage in the passenger cabin of an aircraft without the permission of the Director; and
- identification of the responsible senior person within the air operator's organisation who holds a delegation from the Chief Executive to give the operator's agreement for carriage of a firearm in the passenger cabin of an aircraft; and
- a procedure for notification to the pilot in command of the aircraft of the number of people authorised to carry such weapons in the aircraft cabin and their seating position in the aircraft.

Approval for the carriage of firearms in the passenger cabin of an aircraft, on a regular air transport service, will only be granted by the Director where—

- (a) the carrier of the firearm is a duly authorised police, or other law enforcement officer; and
- (b) carriage is considered by the Director to be essential; and
- (c) the Commissioner of Police supports the request for the permission; and
- (d) the air operator agrees to the carriage.

**Rule 108.55(b)(2) Contingency procedures for responding to threats**

This rule requires the documentation of contingency practices and procedures to be applied by management, aircraft crew, and ground personnel to minimise the danger to an air operator's passengers, crew, and ground personnel in the event of a hijacking, bomb threat, or any other threat of unlawful interference to which these rules apply.

The following specific matters should be included when formulating a contingency plan to deal with the situations envisaged:

- (a) initial notification;
- (b) information to be notified;
- (c) action by aircraft crew and ground personnel;
- (d) action by airline management;
- (e) co-ordination with other organisations; and
- (f) public affairs.

An air operator is required to include contingency plans in their security programme dealing with bomb threats in accordance with, or compatible with, established bomb threat assessment policy.

Specific details concerning this are security sensitive and not suitable for inclusion in this publicly available AC. Relevant information is available on application from:

Security Regulation Unit  
Civil Aviation Authority  
PO Box 3555  
Wellington 6140  
Email: security@caa.govt.nz

### **Rule 108.55(b)(3) Security of unattended aircraft**

This rule requires the air operator to establish practices and procedures for the security of an unattended aircraft to prevent unlawful interference with such aircraft. The security practises and procedures need to be sufficient to prevent an unauthorised person gaining access to an aircraft that is on the ground and where there are no members of the crew or the air operator's ground staff or agent present to control access to the aircraft (i.e. unattended aircraft). These security practices and procedures are aimed at preserving the security integrity of the aircraft before the aircraft is used on a regular air transport passenger operation. The documented practices, procedures, and the responsibilities must be included in the air operator's security programme and be able to be implemented at all times.

The security practices and procedures for an unattended aircraft need to include—

- (a) responsibility for security of an unattended aircraft while the aircraft—
  - (1) is in preparation for a particular service; and
  - (2) between services in a transit, or similar, situation; and
  - (3) parked over night or otherwise temporarily out of service;
- (b) the closing up of the aircraft, and where it is possible to do so, securing of the aircraft doors, emergency exits, and baggage and cargo doors;
- (c) the removal of access steps, air bridges and other aids to getting into or onto an aircraft and the securing of same against unauthorised use;
- (d) the illumination or other protection of aircraft parked outside overnight. Different measures will be appropriate at—
  - (1) aerodromes where there is full time night security surveillance provided; and
  - (2) aerodromes where there is no full-time night security;
- (e) security of hangars where an aircraft is parked when not in service;
- (f) internal and external inspection of an aircraft by crew, or other authorised people, after the aircraft has been unattended, including appropriate measures to cover—
  - (1) normal situations; and
  - (2) circumstances where unauthorised access has, or is suspected of having, occurred; and
  - (3) circumstances where the aircraft is operating under higher than normal threat factor; and

- (4) circumstances where the aircraft has been, or is suspected of having been, interfered with; and
- (g) identification of people authorised to have access to aircraft, (via ID Cards, passenger boarding documentation, direct escort by operator or handling agent staff, and crew), and the checking of these credentials by operator, crew, or handling agent staff.

**Rule 108.55(b)(4) Security area and Security Enhanced area and Operational area access control**

This rule requires the air operator to establish practices and procedures for the positive control of access through any facility leased, owned or used by the operator or its agents. These procedures also need to include other situations where access is provided exclusively for, or for the time being, being used for the access of the air operator's passengers, personnel, cargo, baggage, freight, or aircraft supplies. The operator is to include these in their air operator security programme.

Without in any way reducing the responsibility of the operator to prevent unauthorised access, the air operator should include procedures for immediate steps to be taken to report to the appropriate authorities where—

- (a) it has not been possible to prevent the access of any unauthorised person through a facility as detailed in their air operator security programme; or
- (b) it is suspected that access control may have been breached for any reason.

The action detailed needs to be appropriate to reduce risk to aircraft operational security and safety, including the security searching of the aircraft where the circumstances suggest such action is appropriate.

The responsibility of the operator is based on Rule 19.355 which provides that:

*No person shall, without lawful authority,—*

- (1) leave open or insecure or otherwise uncontrolled any door, gate, or other barrier provided at any aerodrome to control access to any security area, security enhanced area, or operational area; ...*

*(Security area and Security Enhanced area are defined in CAR Part 1, and Operational area is defined in CAR Part 19).*

**Rule 108.55(b)(5) Temporary additional security measures requirements**

This rule requires the air operator to establish and document practices and procedures for reacting to situations where the Director requires the operator to apply additional security measures in circumstances where the Director finds or suspects an increased level of security risk.

An air operator certificated under Part 129 will need to document the procedures for the implementation of the specified measures for any service within, or from, New Zealand. The operator will also need to document the procedures for the implementation of the specified measures for all flights from such aerodromes as the Director may specify.

*Appendix 8 of New Zealand's National Aviation Security Programme reference document provides an outline of national practices and systems for actioning temporary additional measures.*

**Rule 108.55(b)(6) Protection of baggage, cargo, courier parcels, express parcels, and mail**

This rule requires procedures by which appropriate security controls are applied to baggage, cargo, courier parcels, express parcels and mail.

**Baggage**

An air operator security programme must include procedures to prevent unauthorised access to passenger baggage from the time of its acceptance by the air operator. Baggage must be maintained in a secure environment at all times while in the custody of the air operator. Normal access controls in place at aerodromes servicing international departures provide a level of security assurance for bags being screened in baggage makeup areas due to the siting of those areas within the security enhanced area. Further detailed guidance on specific baggage requirements can be found in Appendices I and II.

**Cargo, Courier Parcels, Express Parcels and Mail**

Security control requirements for these items are covered by rule 108.55(c) and further detail is provided under this heading.

The protection of cargo and mail being moved within any aerodrome, which includes cargo makeup areas, is covered by rule 108.55(10) and further detail is provided under this heading.

**Rule 108.55(b)(7) People compelled to travel – flight security**

This rule requires the air operator to establish practices and procedures sufficient to protect the safety and security of a flight in a situation where any passenger is to travel and an element of compulsion to travel is involved. This is to apply whether the passenger is travelling as a prisoner under escort, or is a person under any other judicial or official administrative procedure. **Rule 108.55 (f) also applies.**

Rule 19.359 requires any New Zealand or foreign government agency to notify the air operator where it is proposed that any person who is subject to judicial or administrative procedures is to travel on a commercial passenger flight. The agency must inform the operator of the circumstances of the proposed travel. If the operator agrees to allow such travel to proceed, the operator may impose such conditions as it considers necessary for the safety of the flight, and must notify the pilot in command. The agency involved must comply with all such conditions imposed by the operator.

For compliance with rule 108.55(b)(7), the practices and procedures documented in the programme should address the following:

- (a) the procedures for considering each case and imposing conditions upon the travel that are sufficient to minimise the risk to the flight, other passengers, and crew, arising from the carriage of such people;
- (b) the procedures for declining to accept carriage of the person where the operator considers that the circumstances are such that safety cannot be reasonably assured;
- (c) where the travel involves the passenger transferring to a flight of another operator at any point of the journey, the procedures for ensuring, before the flight begins, that the other operators have been advised of the travel and have arranged conditions on that travel;

- (d) the following provisions are required only in respect of the carriage of people in custody in accordance with rule 108.55(c)–
- (1) people-in-custody must not be transported on board an international regular air transport passenger service unless escorted by one or more escorting people;
  - (2) the operator must not accept a prisoner for carriage on an international regular air transport passenger service unless approval has been obtained in advance from other States that may be involved en-route and at the final destination;
  - (3) escorts must ensure that the person-in-custody does not carry any potentially dangerous items that could be used as a weapon;
  - (4) escorts are to be equipped with adequate restraining devices to be used in the event that restraint is necessary. Such restraint should not, under normal circumstances, include the prisoner being shackled to any part of the aircraft;
  - (5) escorts are to adequately identify themselves to security personnel and law enforcement officers on duty at the point of departure, where appropriate on board the aircraft, and at any transit or transfer stop during the journey;
  - (6) the operator must ensure that the pilot in command and the senior cabin crew member on board are appraised of the fact that there is a prisoner, or ~~are~~ prisoners, and escorts on the flight, of the security precautions being taken, and of the seating arrangements;
  - (7) escorted people are to be emplaned before the other passengers, and deplaned after all other passengers have left the aircraft;
  - (8) people in custody and their escorts are to be seated as far to the rear of the aircraft as possible, but not immediately adjacent to any exit door;
  - (9) where the aircraft seating configuration permits, people in custody are to be seated in a row of two or more seats and at least one escort should be seated between the person in custody and the aisle. In aircraft where this is not possible, the escort will be seated immediately opposite the person under escort;
  - (10) people in custody should be accompanied at all times, including visits to the lavatory;
  - (11) no intoxicating liquor must be served to either people in custody or escorts, but food may be served at the discretion of the escort. People in custody are not to be provided with metal utensils for eating;
  - (12) in the case of people considered to be particularly dangerous by the escorting agency or on the evaluation of the operator, at least two escorts are to be provided. No more than one such person in custody and escorts are to be carried on any one flight;
  - (13) in any circumstances, the operator is to limit the number of people in custody carried on any one flight in accordance with rule 108.55(c)(9) to–
    - one person in custody on aircraft with up to 29 passenger seats; or
    - one further person in custody for each additional 25 seats (see Table 1 for the maximum number per seating capacity);

- (e) the carriage of mentally disturbed people, who, in the opinion of the operator or the agency responsible for the person, are considered to be dangerous, may be accepted for transportation under the following provisos—
- they are accompanied by attendants physically capable of restraining such people if necessary; or
  - the attendants are capable of administering medication as may be required; or
  - where a mentally disturbed person requires sedation prior to departure, each portion of the flight should last no longer than the effective duration of the sedative administered;
- (f) deportees, and other people travelling under administrative procedures, are to be evaluated, for their propensity to endanger the safety or security of the flight. This evaluation is to be carried out by a responsible representative of the operator. Where the operator's representative considers that any risk to safety exists, the operator's security personnel or advisers should be consulted. Based upon such an evaluation, the operator may arrange for additional security measures, as are appropriate in the circumstances, sufficient to ensure the safety of other people on board and of the flight.

**Rule 108.55(b)(8) Control of transit and transfer passengers and their carry-on baggage**

This rule requires an air operator to establish and include, in their respective air operator security programmes, practices and procedures for security screening of transit and transfer passengers and their cabin baggage to prevent unauthorised articles being taken on board an aircraft. The practices and procedures to be established and implemented are to be appropriate to prevent the risk of unauthorised articles being taken on board by this means. They must ensure that transit and transfer passengers do not have access to their screened hold-stow baggage unless authorised and under supervision of the Aviation Security Service or the air operator, or have contact with other people who have not been screened.

**Rule 108.55(b)(9) Transit passengers – control of carry-on items**

This rule requires procedures and practices to be documented for the removal or control of carry-on items left in the cabin by a passenger disembarking from a transit flight.

This requirement applies to operations in respect of aircraft in transit through any New Zealand aerodrome, in the case of a Part 129 operator, and through any aerodrome in the case of Part 119 operators.

For compliance, it is preferable that the procedures require that disembarking transit passengers and their carry-on items leave the aircraft at a transit stop. Where an air operator decides to otherwise deal with the carry-on items of the passengers, these procedures must ensure that the items are controlled to prevent unauthorised access.

Procedures for dealing with carry-on items to ensure that unauthorised access is prevented could include a requirement that:

- Transit passengers leaving the aircraft during the transit stop should be required to take all articles of hand baggage off the aircraft.
- Where the air operator allows a passenger to leave any of their carry-on items on board the aircraft during a transit stop, the air operator must ensure that their procedures are appropriate to ensure unauthorised access to items is prevented.

- Procedures to ensure unauthorised access is prevented to any of items, under the control of an air operator, could include passengers positively identifying their items on departure of the aircraft and again on return to the aircraft.
- Items left in the custody of the air operator must be controlled in a secure environment.
- The air operator should develop procedures to identify transit passengers who disembark and fail to re-board the aircraft at transit stops. The carry-on items and hold baggage of such transit passengers shall be offloaded.

#### **Rule 108.55(b)(10) Protection of cargo and suchlike during movement**

This rule requires procedures describing how cargo, baggage, mail, stores, and aircraft supplies, intended for carriage on international passenger aircraft, are to be handled and moved. This is regardless of whether the handling is in a secure or non-secure environment.

The handling is to be under appropriate supervision to prevent the introduction of weapons, explosives, or any other dangerous devices.

#### **Cargo and Mail**

Cargo and mail should be stored within an access-controlled area at the aerodrome as per the requirements of rule 108.55(d)(1). Further detail in this regard can be found under guidance covering rule 109.53 in AC 109-1.

Reference made to an aerodrome in this context includes any buildings, installations, and equipment on or adjacent to any such area used in connection with the aerodrome or its administration, as defined in CAR Part 1 and Section 2 of the Civil Aviation Act 1990.

#### **Baggage**

An air operator security programme must include procedures to prevent unauthorised access to passenger baggage from the time of its acceptance by the air operator and while it is being moved within the aerodrome. Baggage must be maintained in a secure environment at all times while in the custody of the air operator. Normal access controls in place at aerodromes servicing international departures provide a level of security assurance for bags being screened in baggage make-up areas, due to the siting of those areas within the security enhanced area. Further detailed guidance on specific baggage requirements can be found in Appendices I and II.

#### **Stores and Aircraft Supplies**

This requirement relates to stores and aircraft supplies, including catering. Documented procedures must ensure that stores, aircraft supplies and catering are handled in a secure environment.

Transport of stores and aircraft supplies within the aerodrome must be in a manner to ensure that no weapons, explosives, or any other dangerous devices capable of being used to commit an act of unlawful interference with an aircraft are placed within the stores, aircraft supplies or catering. Therefore vehicles, equipment, and containers used for handling and transporting these items to an aircraft must also be kept secure or in a secure environment, or, where this cannot be assured, security inspected before being used.

Where there is reason to suspect that security of cargo, baggage, mail, aircraft supplies, stores, or air operator's supplies may have been compromised while being moved within the aerodrome, the goods are not to be loaded until their security integrity has been confirmed by inspection, or screening, or by other security control measures.

Additional guidance material for the security controls to be applied to catering and stores can be found in the National Aviation Security Programme Appendix C.

**Rule 108.55(b)(11) Security screening of packages other than cargo or mail**

This rule requires the air operator to establish practices and procedures for the security screening of packages intended for carriage on aircraft where the packages are being carried are not cargo or mail.

For specific guidance material on diplomatic mail, refer to the information relating to rule 108.55(i)(1) in this AC.

The specific security controls required are for the purpose of confirming that no weapon, explosive or dangerous device, article or substance is included in the consignment.

These procedures should include—

- (a) physical search or x-ray examination. In the case of an x-ray examination, if the x-ray operator is not satisfied that the item does not contain any weapon, explosive or dangerous device, article or substance, then a physical search should be undertaken;
- (b) examinations in a secure environment; and
- (c) provision of sufficient security to ensure there is no contamination of the consignment from the completion of inspection until it is loaded and secured in the aircraft hold.

No air operator or an agent of the air operator may permit any courier item to be introduced on board the aircraft unless the item has been examined in accordance with these standards. Security inspections required of such consignments are to be conducted by trained and competent personnel.

**Rule 108.55(b)(12) All passengers and crew members to be screened**

An air operator's security programme must include practices and procedures to ensure that every passenger and crew member, and the carry-on baggage of the passengers and crew members, is screened before boarding an aircraft engaged on an international regular air transport passenger service. This is to prevent the carriage of unauthorised articles into the passenger cabin of an aircraft engaged on an international regular air transport passenger service.

All passenger and baggage screening operations must be conducted in accordance with rule 108.63. Screening carried out in New Zealand must be undertaken by the Aviation Security Service or personnel working under their direct supervision.

The screening must take place in an environment that prevents any person so screened from having contact with any person or item that has not been subject to security control. In the event that any person travelling on the aircraft has been in contact with people or objects that have not been subject to security control, between the completion of security screening and the closing up of the aircraft for departure, all people boarding, or having boarded, the aircraft for the departure

must be re-screened. Where any person refuses to be screened or fails to present their hand baggage for screening, the operator must not permit that person or their baggage to board the aircraft or to come into contact with any person who has been screened. Section 12(2) of the Aviation Crimes Act 1972 refers.

Royalty and Heads of State of any country, and their spouses, travelling on official business may be exempt from passenger screening. This will only be in circumstances where the security provided the person concerned, and their baggage, has been subjected to effective security provided by their official escorting party. This exemption does not extend to other people travelling with the Royal person or the Head of State.

#### **Rule 108.55(b)(13) Passenger and baggage re-conciliation**

This rule requires the air operator to establish and include, in their security programmes, practices and procedures for a positive and accurate reconciliation of passengers and baggage.

These procedures are required to be implemented in addition to any other security measures that may have been afforded a passenger's checked baggage. The procedures must be sufficient to confirm that all people who check-in for an international flight, whether as joining, transit, or transfer passengers, board or re-board the aircraft. In every case where checked baggage has been accepted and the passenger fails to board or re-board the aircraft, the baggage must not be loaded, or, if already loaded, must be removed from the aircraft before departure. Such baggage must not be reloaded onto any international passenger aircraft until it has been subjected to specific inspection by trained and competent security staff. In addition to any x-ray or other technical examination, the inspection must include detailed physical inspection.

The security programme procedures may provide for baggage to remain on board an aircraft in circumstances where the passenger is unable to embark or re board under the following circumstances that are clearly and verifiably beyond the control of the passenger—

- (a) in the event of the passenger's death after check-in and before the aircraft departure; or
- (b) if the passenger elects to off-load himself or herself at an alternative airport as a result of diversion to that airport by the operator due to operational factors alone, such as flight delays or flight cancellation for weather or mechanical reasons, or for operational conditions at the originally planned aerodrome of arrival; or
- (c) if the operator reroutes the baggage of a passenger because of weight, or similar operational requirements, that could not have been anticipated by the passenger at the time the baggage was checked in with the airline.

Any such procedure needs to include a documented decision-making process that includes consultation with the pilot in command of the departing aircraft. Rule Part 108.55(b)(17) also applies to passenger and baggage re-conciliation.

#### **Rule 108.55(b)(14) Pre-flight checks of originating aircraft**

This rule requires an air operator to establish procedures for carrying out pre-flight checks of originating aircraft. These procedures are for the purpose of discovering unauthorised items or any anomalous circumstances that could indicate the possible concealment of weapons, explosives, or other dangerous devices on the aircraft.

*Originating aircraft* is defined in CAR Part 1 and means any aircraft about to be used on a regular air transport passenger service from any New Zealand aerodrome that has been emptied of passengers and goods at the conclusion of a previous flight. This does not include any aircraft transiting New Zealand or any New Zealand airport in circumstances where either passengers or goods are added to an existing load.

Searches for compliance with this rule may be carried out by the aircraft flight or cabin crew as a part of their pre-boarding procedures. Searches by trained and competent security personnel are only required where the aircraft has changed from being used on a service carrying unscreened people to an international service.

#### **Rule 108.55(b)(15) Baggage originating other than at airport check-in**

This rule does not apply to baggage accepted for carriage as air cargo through normal air cargo facilities and under air cargo security arrangements.

The rule requires air operators to establish procedures to provide security of baggage that:

- (a) because of its size or for any other reason, is accepted for carriage other than at a normal airport check-in;
- (b) is unaccompanied or unidentified baggage;
- (c) originates from an off-airport check-in; or
- (d) originates from a kerb-side check-in.

Security procedures for such baggage are to include approved hold baggage screening methods, in accordance with rule 108.63 to ensure that any such item does not contain any weapon or device that could be used to commit an act of unlawful interference with the aircraft. The Hold Baggage Authorisation procedures required by rule 108.55 (b)(17) are also required to be applied.

With respect to (c) and (d) above, the procedures must ensure that the bags are screened and the degree of security of the baggage from check-in, during baggage makeup, and during delivery to the aircraft is maintained to no lesser level than that afforded to baggage at a normal airport check-in.

If an air operator does not contemplate accepting baggage under (c) and (d) above, then a declaration to that effect in the operator's security programme will be sufficient for compliance purposes.

#### **Rule 108.55(b)(16) Hold Baggage Screening**

This rule requires procedures to ensure that all hold baggage on an aircraft for an international regular air transport passenger service is screened in accordance with rule 108.63 prior to loading. Acceptable means of compliance procedures for hold baggage screening are detailed in Appendix I.

#### **Rule 108.55(b)(17) Hold Baggage Authorisation**

This rule requires procedures to ensure that all hold baggage on an aircraft for an international regular air transport service is authorised for loading into the aircraft. Acceptable means of compliance procedures for hold baggage authorisation are detailed in Appendix II.

**Rule 108.55(b)(18) Preventing Unauthorised Persons Entering Flight Crew Compartment**

This rule requires the air operator to develop procedures and practices relevant to the aircraft type and configuration that will prevent unauthorised persons from gaining access to the aircraft flight crew compartment. These procedures must be included in the security programme or be referenced in the security programme as to their location within other operational manuals required for certification of the airline.

In aircraft fitted with flight crew compartment doors and in instances where there is a need to provide access during flight, the procedures must include methods of ensuring that unauthorised access is not gained during any period that a flight crew compartment door is opened.

By way of guidance, in the case of a person wishing to exit the flight crew compartment, that person should consider the following prior to opening the door:

- verifying with the cabin crew that any adjacent lavatory is not occupied by a passenger;
- determining the circumstances that exist outside the door, particularly on any high-risk flight or when an unknown passenger is within easy access of the door; and
- confirming that cabin crew are positioned to block passenger access to the door area when it is opened.

It is essential that doors only be opened for the minimum time required to quickly leave or enter the flight crew compartment. Visits to flight crew compartments should be confined to persons authorised by the pilot-in-command and procedures must be established for this. Only persons authorised by the pilot-in-command should be permitted access. Documentation must outline the procedure for authorising a person to access the flight crew compartment and the number of persons should be kept to a minimum.

**Rule 108.55(c)(1) Cargo and mail received from regulated air cargo agents**

An air operator must have procedures in their security programmes in respect of any cargo or mail received from a regulated air cargo agent (RACA). A list of RACAs can be found at [www.caa.govt.nz](http://www.caa.govt.nz)

These procedures must ensure that all cargo and mail received by an air operator from a RACA is accompanied by a declaration of security. CAA does not prescribe or mandate the use of any particular form of declaration, only that it must contain the necessary information. The information to be contained within the declaration of security is detailed in Appendix A to CAR Part 109.

The declaration of security must be signed by a person authorised by the RACA.

The documented procedures must include the means for the air operator to check that, at the time of accepting a consignment of cargo or mail from a RACA for carriage, the consignment has not been tampered with. The air operator must document these procedures in the security programme or provide direction to the location of the procedures for individual RACAs.

If a consignment of cargo or mail is received from a RACA without a declaration of security, the air operator must apply the appropriate security controls required under rule 108.55(c)(2) or not accept the cargo for travel.

**Rule 108.55(c)(2) Cargo and mail received from other entities**

An air operator must document the procedures for the receipt of cargo or mail from entities who are not a RACA. These procedures must include the appropriate security controls as required by rule 108.55(d). However if the air operator does not intend to accept cargo or mail from any person other than a RACA, then the air operator's security programme needs to state that intent and does not need to include procedures under 108.55(d).

**Rule 108.55(d) Cargo and mail security controls**

If the air operator is to accept cargo or mail from a person who is not a RACA, the air operator must establish appropriate facilities and procedures that are equivalent to those required under the following rules to ensure that the security controls required in rule 108.55(c)(2) meet the requirements of Part 109:

- (1) rule 109.53 (Facility requirements);
- (2) rule 109.55 (Cargo and mail security control procedures);
- (3) rule 109.57 (Screening procedures);
- (4) rule 109.59 (Authorisation procedures);
- (5) rule 109.61 (Procedures and register for a known customer);
- (6) rule 109.63 (Training of personnel);
- (7) rule 109.65 (Cargo security incidents); and
- (8) rule 109.67 (Records).

Advisory information regarding the above requirements is available in AC109-1.

**Rule 108.55(e) Cargo and mail security controls included in security programmes**

Relevant documented procedures for the security controls in accordance with 108.55(d) need not be individually contained within the air operator's security programme. However, as required by Part 108, the security programme will, at a minimum, need to contain a generic outline of these procedures and information that identifies the specific documentation that contains the detailed procedures in question.

**Rule 108.55(g) Passenger and baggage accepted for trans-shipment to international air services**

This rule requires procedures to be documented, for the handling of passenger baggage, where the domestic air operator accepts baggage for domestic carriage before transshipment of the baggage to an international air service. The procedures must establish a level of security of the baggage from check-in until it is received by the international operator that is no less secure than that afforded international baggage received directly by the international operator. These procedures must also provide the means for ensuring that domestic baggage transferring to an international departure is screened in accordance with Rule 108.63.

**Rule 108.55(h) International transfer and transit baggage**

Hold baggage transiting New Zealand or transferring from an international flight to another international flight departing New Zealand will not be required to be re-screened unless such screening is required by the Minister or the Director under sections 77A or 77B of the Civil Aviation Act 1990 respectively. In any such case when screening is required, the airline operators will need to deliver the baggage to the Aviation Security Service for screening prior to onward travel.

**Rule 108.55(i)(1) Diplomatic mail**

Official sealed diplomatic pouches that are clearly and appropriately marked and identifiable as such and accompanied by signed documentation from an official of the dispatching diplomatic agency are not required to undergo the security controls required in accordance with rule 108.55(c)(1) &(2).

Where diplomatic mail is accompanied by a courier, the personal baggage of the courier must be screened in accordance with normal passenger screening requirements in this AC.

**Rule 108.55(i)(2) International transit and transfer cargo or mail****International transit cargo or mail**

Cargo or mail arriving in New Zealand on an international flight that is remaining on board that aircraft for the duration of the layover and departing on the same aircraft will not be subject to the security controls in accordance with rule 108.55(c)(1) &(2), provided that the aircraft remains within the security enhanced area of a security designated aerodrome and is accorded those security controls required under Part 108.

**International transfer cargo or mail**

Cargo or mail from one international flight arriving in New Zealand and transferring to another international flight departing a New Zealand airport will not be subject to the security controls in accordance with rule 108.55(c)(1) & (2), provided the appropriate controls required under rule 108.55(10) are applied.

**Rule 108.57 Security clearance of flights**

For compliance with this rule, procedures are required to ensure that none of the air operator's aircraft depart, unless all applicable security requirements for that flight have been complied with.

Procedures must ensure that prior to the departure of an aircraft, a responsible airline representative such as the Duty Manager is to certify that the security procedures prescribed in the air operator's security programme have been complied with for the particular departure.

Where the organisation has a documented and implemented quality control system, the clearance may be automatic. The system must involve regular and documented quality checks of relevant security procedures by local management and programmed documented checks by the operator's security coordinators or other regular internal auditing processes.

The documented checks referred to above need to be of a standard to allow CAA security auditors to identify that the operator has in fact been carrying out the relevant checks and that any corrective or preventative actions identified as necessary have been taken.

### **Rule 108.59 Training of personnel**

All air operators certified under Part 119, Part 129 or Australian air operators operating with ANZA privileges must implement training of personnel as required under rule 108.59.

For operations under Part 129 or under an Australian AOC with ANZA privileges, the training requirements of this rule apply only to people employed by the operator, or by agents of the operator, in New Zealand and who are involved in the execution of the air operator's security programme in New Zealand.

Any training required under rule 108.59 is to be carried out by an authorised security instructor who has been trained, and has demonstrated the required level of knowledge, experience and competency in the subjects to be taught, to the satisfaction of the chief executive.

The applicable segments of initial and recurrent training need to be identified and tailored for the different categories of personnel involved in the application of specific security measures contained in the air operator's security programme.

Some aspects of training may be the same through all levels of the organisation, but will vary in the depth of knowledge to be imparted.

An example of this would be the legal responsibilities of the air operator's organisation under the air operator security programme and Part 108. While senior management and senior supervisory personnel need to be trained to the extent of having an in-depth knowledge of the legal responsibilities and the resulting liability of the airline, others with lesser responsibilities need only be trained in those aspects pertinent to their level of involvement.

A simple and adequate method of developing, planning, and documenting the applicable segments of training, is the use of a *matrix chart*. By this method, each category of staff whose activities involve security is listed on the vertical axis and the various training segments required on the horizontal axis. By this means the training segments for each applicable person can be readily identified and composite training programmes developed.

The matrix will identify the procedures each category of personnel is required to have knowledge of, and be competent in.

The operator shall develop a syllabus for applicable segment to fully cover the security control procedures each person needs to have a full knowledge of, and be competent in.

Training of each procedure in the syllabus must not only cover the procedure in detail but also put that procedure in context with other procedures and the overall security controls applied by the operator.

As well as ensuring continued knowledge and competence, recurrent training, of not more than 3-yearly intervals, shall include instruction on—

- (a) changes in regulatory requirements and standards; and
- (b) changes to the organisation's procedures and programme; and
- (c) changes to the threat factor affecting the organisation's operations.

In relation to the operator's training responsibilities, Section 12(4)(b) of the Civil Aviation Act 1990 needs to be noted.

The operator must have procedures to assess the results of training in an appropriate manner. This may be by such methods as demonstration, explanation, or examination. Procedures shall show how the operator ensures each competence contained in the syllabus is assessed to ensure a person has been trained successfully.

Minimum required levels of competence shall be prescribed by the operator for each topic and each person must be assessed to ensure they meet those required level.

An example of competence levels is below:

The levels of understanding and associated competence for each of the topics are as follows:

- (a) Grade 1 denotes awareness of the subject;
- (b) Grade 2 denotes a basic knowledge of the subject;
- (c) Grade 3 denotes the ability to apply a basic knowledge of the subject in a situation that is likely to arise in the course of the person's duties;
- (d) Grade 4 denotes the ability to apply a thorough knowledge of the subject in a situation likely to arise in the course of the person's duties; and
- (e) Grade 5 denotes the ability to apply a thorough knowledge of the subject and to exercise sound judgement in situations likely to arise in the course of the person's duties.

#### **Rule 108.60 Records**

Training records shall be maintained to provide an accurate record for every person who is required to be trained. Trainee records should be more than a record of attendance. They must show when a person was trained in each segment of training that is undertaken, the method of assessment and results. The record should give a complete picture of that person's instruction and assessment of their competence to understand and perform the security measures in which they have been trained.

#### **Rule 108.61 Incident notification**

Under rule 12.55(d)(5) the reporting of incidents is mandatory.

For Part 119 operators the procedure for notification of security incidents must cover incidents wherever the incident occurs.

For Part 129 operators or for Australian operators exercising their ANZA privileges, the procedure must address security incidents which occur within New Zealand or on a flight from New Zealand to its next place of landing.

Examples of incidents to be reported include any—

- (a) act of unlawful interference with an aircraft;
- (b) threat against an aircraft, service or facility;
- (c) failure to apply any security procedure required by these rules where the failure is identified after the departure of a service;

- (d) failure of any Government agency to advise the air operator where a person is required to travel;
- (e) failure to advise the air operator relating to the travel of people under administrative control;
- (f) unauthorised access to aircraft in service;
- (g) failure of passenger or baggage screening, or originating aircraft search, resulting in weapons or devices being found on board any aircraft; or
- (h) failure by any other organisation required under the Civil Aviation Rules to discharge a security responsibility that contributes to the security of the air operator's services that has, or could have, compromised the security of any service.

### **Rule 108.63 Screening**

This rule creates the obligation on an air operator that requires the screening of passengers, crew, and baggage, as required under rules 108.53(b)(8), 108.53(b)(9), 108.55(b)(12), and 108.55(b)(16) to be conducted by or under the supervision of, the Aviation Security Service, or the holder of an aviation security service certificate issued in accordance with Part 140.

### **Rule 108.65 Security Programme for ANZA Privilege Airlines**

This rule applies only to an air operator who is the holder of an Australian AOC with ANZA privileges. In such cases the operator must establish and implement an air operator security programme that meets the requirements of Part 108 applicable to their operations within or from New Zealand.

The security programme must include the identity of the person or persons in New Zealand who would be responsible for the compliance with Part 108. This must include the duties and responsibilities of the person identified and matters for which that person would deal directly with the Director on behalf of the air operator.

The air operator must ensure that the security programme remains a current description of the air operator's operations, from or within New Zealand.

Any amendments made to the security programme must meet the applicable requirements of Part 108. The amendment process should comply with the amendment procedures within the air operator's security programme.

Notification of changes to the following must be made to the Director in writing within 7 days of the change:

- (1) The AOC holder's security programme;
- (2) The person or persons in New Zealand responsible for the compliance of the security programme; or
- (3) The duties and responsibilities of the person or persons referred to above.

## **Appendix I Hold Baggage Screening Advisory Information for air operators, aerodrome operators and the Aviation Security Service**

### **1 Acceptable means of compliance – Hold Baggage Screening (HBS)**

- 1.1 Manual search with the passenger present
- 1.2 Conventional x-ray is not viewed as a dedicated explosive detection system. It must be used only in conjunction with another technical process as indicated in the following scenarios
- 1.3 Conventional x-ray combined with random continuous hand searching of bags presented to security personnel by the passenger and may include trace detection, in a pre-check in or redundancy pre-check-in system
- 1.4 Conventional x-ray of baggage in the baggage make-up area for redundancy screening. Screening hold baggage by conventional x-ray in the baggage make-up area will need to be supported by another additional measure such as Explosive Detection Dogs (EDD), internal Explosive Trace Detection (ETD), or the viewing of at least two different angle x-ray images
- 1.5 Screened using an explosives detection system accepted or certified by either the Transportation Security Administration (TSA), the European Civil Aviation Conference (ECAC), or the United Kingdom Department for Transport (UK-DfT). The explosives detection system must be operated in the automated mode, i.e. where the x-ray image of an uncleared bag is presented to the x-ray operator for assessment and decision
- 1.6 Subjected to decompression in a simulation chamber and subsequently held securely for the remaining period of the estimated flight time prior to it being loaded
- 1.7 Any other measure approved by the Director from time to time as an enhanced security control measure
- 1.8 ETD systems in swab mode are suitable for use as a contributor in support of the application of the other technologies or manual hand search. ETD systems cannot be used as the final arbiter in determining that a bag does not contain an explosive device. ETD must be used only when the bag is opened to screen specific single items in the bag, inner lining seams and closure points, as appropriate
- 1.9 EDD will meet set standards agreed in consultation between the New Zealand Police and the Aviation Security Service. The New Zealand Police will provide independent expertise in training, systems performance and audit in accordance with the Aviation Security Service Policy and Procedure Manual. EDD can be used in conjunction with an assessment of the total information including reviewing x-ray images, passenger information and prior handling
- 1.10 Consideration will be given to requests from other States to assess additional measures in support of New Zealand regulated requirements.

### **2 Reject Bags**

- 2.1 For bags rejected at one level there will be a requirement that more in-depth measures be applied to the bags until such time as they are “cleared” or declared a “suspicious bag”.

- 2.2 Where a baggage handling system diverts only uncleared or suspect bags to another level of screening, an alerting system needs to be fitted to alert the system operator when there is a system failure to ensure no uncleared or suspect bags are sent to the baggage make-up area.

### **3 Site of Screening**

- 3.1 Normal access controls in place at aerodromes servicing international departures provide a level of security assurance for bags being screened in baggage make-up areas due to the siting of those areas within the security enhanced area. Physical controls on access are in place and persons entering these areas are required to have an airport identity card which allows for the background checking of those persons.
- 3.2 Additional requirements will be necessary for pre-check in Hold Baggage Screening systems. There will need to be physical barriers separating the pre check-in screening area from the public area. The procedures being carried out should not be able to be viewed by the non-travelling public. Passengers and their carry-on bags will also need to be security screened into this area unless the cleared bag is taken from the screening provider to the check-in by an authorised person and the passenger has had no opportunity to interfere with the bag.

### **4 International Transfer/Interline Bags**

Hold stowed bags from one international flight arriving in New Zealand and transferring to another international flight departing a New Zealand airport will not require re-screening unless such screening is required by the Minister or the Director under sections 77A or 77B of the Civil Aviation Act respectively, or if the bag has been removed from the security enhanced area, or the passenger has had access to the bag. Refer to commentary in this AC relating to Part 108.55(h).

### **5 Domestic to International Transfer/Interline Bags**

Bags transferring from a domestic flight to an international departure will be screened at the point of international departure from New Zealand. Although some bags will come from domestic airports that have an HBS system in place there will be bags transferring to international flights from domestic airports where there is no HBS system in place. Additionally, at some of the airports where an HBS system will be in place it may not be manned or operating at all times. Refer to commentary in this AC relating to rule 108.55 (h).

### **6 Transit Bags**

Checked bags arriving in New Zealand on an international flight that are remaining on board that aircraft for the duration of the layover and departing on the same aircraft will not be required to be subject to re-screening, provided that an acceptable standard of security has been maintained on the aircraft.

### **7 Out of Gauge (OOG) or oversized baggage**

- 7.1 Oversize items carried by passengers and accompanying the passenger on that flight and checked in as OOG will be subject to screening. Screening of OOG carried out by conventional single view x-ray will need to be supported by another additional measure such as EDD or ETD.

- 7.2 Where a bag is of such size that it cannot be screened (Super Out of Gauge or SOOG) using available x-ray equipment, it will be treated as unknown cargo and the requirements of rule 108.55(b)(6) apply.

## **8 Excess Baggage**

Excess baggage is baggage over the air operator's allowable weight or amount. If the passenger pays the cost of excess baggage then that baggage travels on the same aircraft as the passenger as checked baggage. If the excess is not paid, the baggage is treated as cargo and is managed through the cargo system and in this case the baggage is termed unaccompanied baggage. Unaccompanied baggage must be subject to the air cargo security controls required for an "unknown shipper" as required by rule 108.55(b)(6).

## **9 Diversions**

- 9.1 If a flight has been diverted to a port other than its intended arrival point, provided the bags are retained in the hold and an acceptable level of security is maintained, there will be no requirement to re-screen those bags prior to the departure of the aircraft to its intended destination.
- 9.2 Where an international arrival has been diverted to a port other than its intended arrival port and originating passengers join that aircraft for its onward flight, those joining passengers' bags will be subject to screening.
- 9.3 If security has not been maintained on the bags in the hold or they have been removed from the hold and passengers or other unauthorised persons have had access to them, they will require re-screening.

## **10 Early Bags**

All bags on international departures require screening. It is the responsibility of the air operator in coordination with the Aviation Security Service to manage bags checked in early for a flight. Where an air operator accepts early bags, they must be assigned to a separate isolated area, to ensure they are not mixed with screened bags, until these bags are screened.

## **11 Mishandled/Expedite Bags**

All bags that are categorised as mishandled or expedite bags must undergo security controls as specified in the Hold Baggage Authorisation policy guidelines.

## **12 Mixing of Screened and Unscreened Bags**

Where domestic bags and international bags mix and are transported on the same conveyor the following will apply:

- (a) For the period of time that international bags are being accepted at check-in domestic bags will require screening.
- (b) Where a separate domestic belt and international belt merge into a common baggage make-up area or collector belt, local procedures need to be implemented to clearly identify international bags. The application of hold baggage authorisation will provide further assurance.

**13 Security of Baggage Tags**

The need for strict security controls on baggage tags and tag equipment is essential.

**14 Group Check-In**

Air operators will need to develop or amend procedures to ensure that group checked baggage is individually identified to an air operator representative before a baggage tag is issued and that the bag is clearly marked with the passenger's name.

**15 Crew Bags**

Crew bags can be checked in at a non-public check-in counter, but they must be clearly marked with the crew member's name and be individually identified by the crew member to the check-in personnel. Crew baggage will be subject to standard Hold Baggage Screening procedures at that airport.

**16 Procedures for dealing with suspicious bags**

Procedures acceptable to the Director will need to be developed at airports for dealing with suspicious bags. These procedures will require input from the Aviation Security Service, NZ Police, NZ Defence Force, the aerodrome operator and the air operator.

**17 Dangerous Goods**

Procedures will need to be developed between the Aviation Security Service and the air operator to deal with any Dangerous Goods found during hold bag screening.

**18 System Redundancy**

In the event of a failure of an integral part of a HBS or Baggage Handling System (BHS), procedures acceptable to the Director need to be developed to provide a redundancy capability for the screening of bags. It is not possible to allow non screening of bags as a redundancy.

**19 Screening equipment image retention**

Images of screened bags will be stored for 36 hours after the flight has departed.

**20 Quality Control processes**

Air operators, aerodrome operators and the Aviation Security Service who have regulatory functions in the system of hold baggage screening must have effective internal quality management control systems and audit processes in place to monitor the compliance with these requirements.

## Appendix II Hold Baggage Authorisation advisory material for air operators

### 1 Purpose

- 1.1 This material outlines acceptable means of compliance for “Hold Baggage Authorisation” Hold baggage authorisation is also known as Account for And Authorise (AAA).
- 1.2 There is a relationship between hold baggage screening and hold baggage authorisation. These processes through which the baggage is handled and the environment in which baggage is handled or moved is intended to contribute to the total security process. Hold baggage authorisation is dependent on all the security processes having been effectively completed. Specific evidence of HBS will not be required as part of hold baggage authorisation, provided each of the parties involved has an effective internal quality control system in place which maintains the integrity of the process which that party is undertaking or providing.

### 2 Outcomes Sought

The outcomes from hold baggage authorisation are:

- 2.1 The only hold baggage that has been loaded on a flight is that of:
- (a) the boarded passengers or crew of the relevant flight; or
  - (b) expedite baggage which has been through enhanced security controls.
- 2.2 International transfer hold baggage is visually or electronically identifiable and security control processes exist to ensure no unauthorised transfer baggage is loaded into the hold.
- 2.3 Expedite baggage is visually or electronically identifiable and has been subject to enhanced security controls.
- 2.4 A hold baggage manifest is created prior to departure which:
- (a) identifies the flight;
  - (a) lists all hold baggage, including expedite, transfer, gate and crew baggage;
  - (b) records which passenger or crew member is associated with each bag;
  - (c) records whether baggage is accompanied baggage or expedite baggage;
  - (d) provides evidence that any expedite baggage has been through enhanced security controls; and
  - (e) confirms that all items of hold baggage have been authorised to be carried on the particular flight.

### 3 Applicability

It is intended that the hold baggage authorisation requirements will apply to all flights covered by rule 108.55 (regular international air transport passenger services with aircraft of more than 9 passenger seats) including those involving off airport check in.

## **4 Automated Systems**

Automated electronic baggage reconciliation systems to facilitate the discharge of these obligations and for a more accurate passenger/ baggage reconciliation to be achieved (compared with manual systems) are encouraged.

## **5 Requirements**

### **5.1 Hold Baggage Manifest**

It is necessary to ensure that each item of hold baggage loaded onto the aircraft is recorded (accounted for) on a hold baggage manifest. The manifest must identify which entries relate to accompanied hold baggage and which relate to expedite baggage, crew baggage and gate baggage. Identification on the hold baggage manifest of expedite bags is sufficient for the purposes of identifying accompanied bags as, by definition, any bag that is not expedite is accompanied.

### **5.2 Baggage Identification and Authorisation**

Each baggage tag should, either electronically or visually, show the flight number, date and baggage tag number.

As each bag is loaded onto the aircraft, into a baggage container or onto a baggage trolley in the baggage sorting area for transport to the aircraft, it is necessary to:

- (a) confirm the bag is intended to be carried on that flight; and
- (b) confirm that the passenger associated with the bag has checked in or, in the case of expedite baggage, that evidence of enhanced security controls is present; and
- (c) electronically or manually create a hold baggage manifest detailing each bag loaded for that particular flight.

### **5.3 Baggage Identification and Authorisation – Pooled bags**

Pooling of bags between passengers is permitted but if any member of the pool does not travel after having checked in bags for carriage, then all bags in that pool are required to be physically identified by travelling passengers. A member of the pool cannot take responsibility for the bags of another member who is not travelling, without the bags being physically identified.

### **5.4 Baggage Identification and Authorisation - Transfer Hold Baggage**

Transfer baggage is subject to the same authorisation requirements under rule 108.55(b)(17), provided that:

- (a) transfer baggage is electronically or visually identifiable as such;
- (b) transfer baggage, with the exception of that whose most recent point of departure before arrival in New Zealand is an unapproved airport, which remains in a dedicated transfer baggage container, may be reconciled from electronic records rather than the actual bag tags; and
- (c) transfer baggage whose most recent point of departure before arrival in New Zealand is an unapproved airport, will require reconciliation from actual bag tags.

## **5.5 Baggage Identification and Authorisation - Gate Baggage**

Gate Baggage is subject to the same authorisation requirements under rule 108.55(b)(17) provided that:

- (a) a bag tag must be attached to gate baggage at the time it is taken from the passenger;
- (b) the bag tag number and passenger name must be manually or electronically recorded and added to or appended to the hold baggage manifest; and
- (c) pre-tagged gate items and gate items able to be added to the airline DCS do not have to appear on any separate gate bag manifest, as long as they are recorded on the main hold baggage manifest that lists all hold baggage.

## **5.6 Baggage Identification and Authorisation - Crew baggage and company mail**

- 5.6.1 Crew baggage is subject to the same authorisation requirements under rule 108.55(b)(17).
- 5.6.2 Company mail is to be treated as expedite baggage and subject to appropriate security controls and included in the hold baggage manifest.

## **5.7 Baggage Identification and Authorisation - Expedite baggage**

- 5.7.1 Expedite baggage must be accounted for as part of, and clearly identified on, the hold baggage manifest. Expedite baggage may be accounted for on a separate hold baggage record from that used for accompanied hold baggage.
- 5.7.2 Each item of expedite baggage must be subjected to at least one enhanced security control measure. Exemptions provided in this AC for rule 108.55(b)(13)(c) still apply in cases where the operator reroutes the baggage because of weight or other operational requirements.
- 5.7.3 Tangible evidence must be provided to the appointed person that enhanced security controls have been applied. Typically, this confirmation comprises a security certificate (manual or electronic) completed by the person who undertakes the screening of the bag (or by a person who witnessed the screening), and this certificate being attached to (or electronically incorporated within) the expedite baggage portion of the hold baggage manifest passed to the appointed person prior to departure. The certificate needs to record that the expedite bag passed security and the time this occurred. It is not a requirement to record which security means was used or the person doing the checking.

## **5.8 Baggage Identification and Authorisation – Diplomatic Pouches**

Official sealed diplomatic pouches that are clearly and appropriately marked and identifiable as such and accompanied by signed documentation from an official of the dispatching diplomatic agency are not required to undergo screening but when carried in the hold will need to be included in the hold baggage manifest and authorised. Personal baggage of diplomatic couriers will be subject to normal processes in the same manner as for other travellers.

**5.9 Baggage Identification and Authorisation – Duty free parcels and security items**

- 5.9.1 Duty free parcels taken from passengers at the gate for carriage in the aircraft hold are to be treated as gate bags and included in the hold baggage manifest.
- 5.9.2 Security items taken from a passenger when his or her carry-on cabin baggage is screened and which, with the agreement of the air operator, are placed and carried in the aircraft hold are to be treated as gate baggage and included on the hold baggage manifest.

**5.10 Passenger and Crew Identification and Boarding**

- 5.10.1 An air operator must have a system in place which confirms that each person who is recorded as having placed hold baggage in the custody of the aircraft operator boards the flight.
- 5.10.2 A passenger identification document check (manual or electronic) must be undertaken at check-in and at the Boarding Gate to ensure that each person who checks in a bag is the same person who boards the aircraft, i.e. that no “passenger switch” occurs.
- 5.10.3 At check-in, the name on the passenger’s passport/identity card or other accepted government issued identification document should be checked and verified with the passenger details recorded for the flight and the photograph checked and verified with the passenger.
- 5.10.4 At the Boarding Gate, the name on the passenger’s boarding pass should be checked and verified with the name in the passport/identity card or other accepted government issued identification document, and the photograph checked and verified with the passenger. An additional check must be made to ensure that the boarding pass relates to the flight that the passenger is boarding.
- 5.10.5 Effective procedures must be implemented at the Boarding Gate to ensure that, should a passenger not board, this can be readily identified in order that any hold baggage associated with that passenger can be unloaded.
- 5.10.6 Subject to the exemptions contained in this AC for rule 108.55(b)(13), where the owner of an item of hold baggage not loaded as expedite baggage fails to board the aircraft the item must be removed from the aircraft prior to departure of the flight.

**5.11 Checking Hold Baggage Manifest by Appointed Person**

- 5.11.1 Prior to departure of the aircraft, the appointed person must be in possession of the hold baggage manifest and check and confirm that to the best of their knowledge:
- (a) each entry on the hold baggage manifest in respect of accompanied hold baggage shows the correct details relevant to the flight, i.e. date and flight number; and
  - (b) each item of hold baggage (including transfer baggage) has been confirmed as having been authorised to be loaded, and there is written or electronic evidence of this; and
  - (c) there is tangible evidence that each item of expedite baggage has been subjected to enhanced security controls, e.g. a security certificate is present with the bag details; and

- (d) the hold baggage manifest includes gate baggage and crew baggage; and
- (e) any baggage offloads have been carried out that are due to passengers or crew not boarding; and
- (f) the hold baggage manifest is a complete record of all bags loaded onto the aircraft.

5.11.2 When the appointed person has confirmed that the above requirements have been met, then prior to departure of the aircraft, the appointed person must either:

- (a) sign (or confirm by electronic means) the hold baggage manifest to confirm that the requirements have been met; or
- (b) raise a summary document (a Manifest Declaration Form) which shows the totals of hold baggage and expedite baggage loaded, together with a declaration that all checks have been undertaken, and sign this one document. If a summary document is used, then all supporting documentation must be attached to the summary document.

The aircraft operator must retain each hold baggage manifest (and supporting documentation) in an accessible format for not less than 48 hours. It should preferably be retained at the airport of departure or local office, but must not under any circumstances be carried aboard the aircraft to which it pertains.

## **5.12 System Outage – Alternative contingency**

5.12.1 Alternative processes acceptable to the Director, may be included in hold baggage authorisation procedures for when the dedicated electronic system is out of action for any reason.

5.12.2 Where any electronic system outage has occurred, the following temporary alternative process may be applied to facilitate the minimisation of any departure delay—

- (a) The number of bags loaded and baggage stubs will be counted and the results compared; and
- (b) Where there is no discrepancy between the two counts the flight may depart; and
- (c) If the number of bags loaded exceeds the number of bags recorded as having been checked-in, all bags must be reconciled; and
- (d) The off-loading of baggage of any person failing to board must still occur.

5.12.3 Where baggage on any flight has been processed under these contingency arrangements, the CAA Security Regulation Unit is to be advised, with supporting information, on the reasons why and actions taken, within 24 hours.

## **5.13 Quality Control processes**

An air operator must have an effective internal quality management control system and audit process in place to monitor the compliance with these hold baggage authorisation requirements. Such systems need to include both quality checks by local management and programmed checks by the operator's security coordinators.

## **Appendix III Known Customer relationship advisory material for domestic air operators for CAR Part 108.53(b)(5) compliance**

### **1 Purpose**

This material outlines acceptable means of compliance for establishing or maintaining a known customer relationship for the purposes of Part 108.53(b)(5) for cargo and mail carried on domestic services.

### **2 Who are known customers**

A known customer is defined in Rule Part 1 as shipper of cargo or mail who has an established association with a regulated air cargo agent or an air operator for the carriage of the shipper's cargo or mail by air and who is registered with the regulated air cargo agent or the air operator. This definition refers to the actual shipper or originator the goods for consignment on aircraft. This is the person who actually packs the cargo or mail and can verify that only the intended items are contained within the consignment.

The known customers must be able to demonstrate to the air operator that they are the originator of the cargo they present for carriage.

### **3 What should an air operator know of the known customer**

The air operator should have an understanding of the security controls (procedures) such as packaging, storing, and transporting of goods applied by the known customer for their cargo and mail. The known customer procedures should ensure that the security of the cargo and mail in the supply chain is sufficient to prevent the introduction of any weapon, explosive, or other dangerous device or substance, that may be used to commit an act of unlawful interference.

The method the air operator uses to determine the known customers understanding of the security of their cargo and mail must be recorded in the air operator's security programme.

### **4 Known customer security of cargo or mail**

The known customer's procedures should show how the known customer ensures that only the intended items of cargo or mail are packed, stored, and transported in the consignments for carriage to the air operator. Guidance on the appropriate contents of these procedures is listed below:

- The known customer outlines the measures that are in place to secure the premises so that unauthorised persons are unable to have access to the goods before and during packing of the goods. If the known customer packs cargo and mail in multiple premises they must provide the air operator with the addresses of those premises that meet the above requirements.
- The known customer is able to show the air operator that those persons who have access to the cargo and mail are known and reliable employees and how any likelihood of placing unauthorised articles in the cargo or mail is minimised. Employees should undergo pre-employment checks that any responsible employer would reasonably conduct in relation to an employee's background and character.
- Each consignment of cargo and mail must be accompanied by a statement of content produced by the known customer. This could be a packing list/slip or full description of the goods on the consignment note.

- Each consignment of cargo and mail should be presented in a tamper evident manner and provide a means of determining that if the cargo or mail has been tampered with. If seals are used, these can take any form as long as it would provide evidence of tampering. The known customer should provide the air operator, the means with which they will make the cargo and mail tamper evident.

## **5 Methods of determining known customer understanding**

Air operators should establish a relationship with the known customer so there is a clear understanding between the parties as to the procedures put in place by the known customer to demonstrate that only intended items of cargo or mail are contained in consignments of cargo or mail forwarded to the airline for carriage by air.

There should be documented evidence that the known customer has procedures in place and that these procedures have been reviewed and accepted by the air operator.

Procedures applicable to an individual known customer may vary dependent upon the size and nature of their operations and the nature of the consignments handled. It is neither practicable nor desirable to specify procedures that may be applicable in any particular case. As a guide, however, the air operator's documented procedures may include reference to:

- (1) Documented observations made during visits to the known customer premises by representatives of the air operator; and/or
- (2) Documented agreements between the air operator and individual known customers that provides an assurance that the security procedures are in place and continue to be maintained.

Site visits and completion of a checklist by the air operator covering off the requirements above are a good method of determining and assessing processes and providing evidence of the relationship.

The relationship between the air operator and the known customer should be renewed on a regular basis, at a minimum, once every three years.

## **6 Known Customer Register Details**

Air operators should maintain an up-to-date register of the known customers who have been accepted by the air operator. The register should include:

- The customer's current name (and/or business name if appropriate);
- The current name and details of the principal contact person; and
- The customer's current address, email and telephone numbers.

This register can be kept in manual or electronic form but must be readily available to those employees of the air operator who accept air cargo from the known customer.

It is recommended that a procedure be established for personnel who accept air cargo from known customers to be made aware of the fact a particular known customer has been removed from the register.