



**PURSUANT** to Sections 28 and 30 of the Civil Aviation Act 1990

**I, CRAIG FOSS**, Associate Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *7<sup>th</sup>* day of *Dec* 2015

by **HON CRAIG FOSS**

A handwritten signature in black ink, appearing to read 'Craig Foss', is written over the printed name.

Associate Minister of Transport

**Civil Aviation Rules**

**Part 119, Amendment 15**

**Air Operator – Certification**

*Docket 8/CAR/1*

## Contents

|  |           |
|--|-----------|
| Rule objective.....  | 4         |
| Extent of consultation – Safety Management project .....   | 4         |
| Summary of submissions.....  | 5         |
| Extent of consultation – Maintenance Training Organisation project .....   | 5         |
| Summary of submissions.....  | 6         |
| Examination of submissions.....  | 6         |
| Insertion of Amendments .....  | 6         |
| Effective date of rule.....  | 6         |
| Availability of rules.....   | 6         |
| <br>   |           |
| <b>Subpart B — Airline Air Operator – Certification Requirements</b>   | <b>7</b>  |
| 119.51 Personnel requirements.....   | 7         |
| 119.79 Safety management .....   | 8         |
| 119.81 Airline air operator exposition.....  | 9         |
| <br>   |           |
| <b>Subpart C —General Aviation Air Operator – Certification Requirements</b>   | <b>11</b> |
| 119.101 Personnel requirements.....  | 11        |
| 119.124 Safety management .....  | 12        |
| 119.125 General aviation air operator exposition.....  | 12        |
| <br>   |           |
| <b>Subpart D — Operating Requirements</b>  | <b>14</b> |
| 119.151 Continued compliance .....   | 14        |
| 119.165 Changes to certificate holder's organisation.....  | 15        |
| 119.169 <i>Revoked</i> .....   | 16        |
| <br>   |           |
| <b>Subpart E — Transitional Provisions</b>   | <b>16</b> |
| 119.201 Transition for airline air operator certificate holders and applicants performing Part 121 or Part 125 operations..... | 16        |
| 119.203 Transition for airline air operator certificate holders and applicants performing Part 135 operations .....            | 18        |
| 119.205 Transitional internal quality assurance for airline air operator certificate holders and applicants.....               | 20        |
| 119.207 Transition for general aviation air operator certificate holders and applicants .....                                  | 22        |

|         |   |    |
|---------|---|----|
| 119.209 | Transitional organisational management system for general aviation air operator certificate holders or applicants ..... | 24 |
|---------|---|----|

**Appendix A — Qualifications and Experience of Senior Persons – Airline Air Operator Certificate Holder** **26**

|       |   |    |
|-------|---|----|
| A.3.1 | Part 121 Operations .....   | 26 |
| A.3.2 | Part 125 Operations .....   | 27 |
| A.4   | Senior person responsible for the system for safety management..... | 28 |

**Appendix B — Qualifications and Experience of Senior Persons – General Aviation Air Operator Certificate Holder** **29**

|     |   |    |
|-----|---|----|
| B.3 | Senior person responsible for the control and direction of maintenance..... | 29 |
| B.4 | Senior person responsible for the system for safety management.....         | 30 |
|     | Consultation Details .....  | 31 |

## **Rule objective**

The objective of amendment 15 to Part 119 is to—

- (1) provide rules, consequential to the introduction of Part 100, to improve New Zealand’s aviation safety performance in a way that embeds an effective safety culture in aviation organisations; and to ensure New Zealand meets its international obligations as a signatory to the Convention on International Civil Aviation; and
- (2) provide rules, consequential to the introduction of Part 147, which assist the economic development of the aircraft maintenance training sector.

## **Extent of consultation – Safety Management project**

The safety management project was originally conceived to have a three stage implementation plan where the safety management provisions would be included in every affected rule. A project working group was formed in 2009 to address stage 1 which included international air operators, their maintainers, international aerodromes, and air traffic control.

Subsequent development shifted the direction to a single stage rule implementation, with 2 different transition times; and the safety management requirements would mostly be contained in a new rule part – Part 100.

As a result, a new policy project developed options for a safety management rule proposal in a risk based regulation environment. This policy was consulted in 2013 and was well received by the industry; and rule development continued as recommended in the policy document.

A Notice of Proposed Rulemaking, NPRM 15-02, containing the proposed new Part 100 and consequential amendments to Parts 19, 115, 119, 121, 125, 135, 137, 139, 141, 145, 146, 148, 149, 171, 172, 173, 174 and 175 was issued for public consultation under Docket 8/CAR/1 on 7 May 2015.

The publication of this NPRM was notified in the Gazette on 7 May 2015. The NPRM was published on the CAA web site and mailed to

identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 42 days was allowed for comment on the proposed rule.

### **Summary of submissions**

20 written submissions and 60 oral comments were received on the NPRM. These submissions and comments have been considered and as a result a number of proposed amendments were removed for reasons of standardisation and some submissions influenced the shape of the transitional provisions. Refer also to *Consultation Details* on page 31.

### **Extent of consultation – Maintenance Training Organisation project**

Development of the rule proposal included informal discussions, meetings and emails with Air New Zealand Aviation Institute, Air Nelson, Eagle Airways, Airwork, Nelson Marlborough Institute of Technology, Hawker Pacific, Oceania, the Aircraft Engineers Association of New Zealand, Aviation Services Ltd, New Zealand Qualifications Authority, and Service IQ. Prior to the publication of the notice of the proposal, the Maintenance Training Organisations project was undertaken in consultation with a project working group that consisted of representatives from the aviation industry. The project working group also had support from the Aviation Community Advisory Group and Aviation New Zealand.

A Notice of Proposed Rulemaking, NPRM 15-03, containing the proposed new Part 147, and consequential amendments to Parts 66, 119 and 145, was issued for public consultation under Docket 14/CAR/2 on 16 July 2015.

The publication of this NPRM was notified in the Gazette on 16 July 2015, published on the CAA web site, and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 23 days was allowed for comment on the proposed rule.

**Summary of submissions**

Four written submissions and no oral comments were received on the NPRM. These submissions and comments have been considered and as a result no significant amendments were made to the proposal. No submissions related to this amendment of Part 119.

**Examination of submissions**

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

**Insertion of Amendments**

The amendments to the rules in this Part are reflected by replacing the affected existing rules with the amended rules.

**Effective date of rule**

Amendment 15 to Part 119 comes into force on 1 February 2016.

**Availability of rules**

Civil Aviation Rules are available from–

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

## Subpart B — Airline Air Operator – Certification Requirements

*Rule 119.51 is revoked and replaced by the following rule:*

### **119.51 Personnel requirements**

(a) An applicant for the grant of an airline air operator certificate must employ, contract, or otherwise engage—

(1) a senior person identified as the chief executive who—

- (i) has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements and standards prescribed by this Part; and
- (ii) is responsible for ensuring that the applicant's organisation complies with the requirements of this Part; and

(2) senior persons—

- (i) responsible for ensuring that the applicant's organisation complies with its exposition; and
- (ii) responsible for the functions referred to in paragraph (b)(1); and
- (iii) ultimately responsible to the chief executive; and

(3) sufficient personnel to plan, perform, supervise, inspect, and certify the operations listed in the applicant's exposition.

(b) The senior persons required by paragraph (a) must—

- (1) unless otherwise acceptable to the Director as a consequence of the size and expected scope of the applicant's organisation, each be responsible for no more than one of the following functions:

- (i) air operations including the flight operations and the supporting ground operations:
  - (ii) crew training and competency assessment:
  - (iii) the control and scheduling of maintenance:
  - (iv) the system for safety management required under rule 119.79:
  - (v) air operator security, if an air operator security programme is required by rule 119.75:
  - (vi) conducting occurrence investigations in accordance with Part 12; and
- (2) hold the minimum qualifications, competency and experience listed in Appendix A that are applicable to the function for which they are responsible.
- (c) Despite paragraph (b)(1)(ii), and if applicable to the structure of the applicant's organisation, the senior person responsibilities for competency assessment may be assumed by the senior person responsible for air operations under paragraph (b)(1)(i).
- (d) Any function referred to in paragraph (b)(1) may be delegated to other personnel provided the senior person responsible for the function retains responsibility for the function and the delegation is acceptable to the Director.

***Rule 119.79 is revoked and replaced by the following rule:***

### **119.79 Safety management**

An applicant for the grant of an airline air operator certificate must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

***Rule 119.81 is revoked and replaced by the following rule:***



**119.81 Airline air operator exposition**

(a) An applicant for the grant of an airline air operator certificate must provide the Director with an exposition that contains—

- (1) a statement signed by the chief executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—
  - (i) define the air operator organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part and any other applicable Part; and
  - (ii) are required to be complied with by the organisation's personnel at all times; and
- (1A) in relation to the system for safety management required by rule 119.79,—
  - (i) all of the documentation required by rule 100.3(b); and
  - (ii) for an applicant that is not applying for a renewal of an airline air operator certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (2) the titles and names of the senior persons required by rules 119.51(a)(1) and (2); and
- (3) the duties and responsibilities of the senior persons required by rules 119.51(a)(1) and (2), including—
  - (i) matters for which they have a responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
  - (ii) responsibilities for safety management; and

- (4) a summary of the scope of activities at each location where the applicant's operations personnel are based for the purpose of providing air transport operations; and
  - (5) an organisation chart showing lines of responsibility of the senior persons required by rules 119.51(a)(1) and (2) and extending to each location listed under paragraph (a)(4); and
  - (6) a summary of the staffing structure at each location listed under paragraph (a)(4); and
  - (6A) information identifying the lines of safety responsibility within the organisation; and
  - (7) details of the principal place of operation and, if applicable, the main operation base and the main maintenance base; and
  - (8) details of the resources required by rule 119.55; and
  - (9) details of the procedures required by this Part; and
  - (10) details of—
    - (i) the maintenance procedures required by rule 119.61; and
    - (ii) the maintenance programme required by rule 119.63; and
    - (iii) the maintenance organisation that performs maintenance on the applicant's aircraft; and
  - (11) details of the programmes required, as appropriate, by this Part, and Part 121, Part 125, or Part 135; and
  - (12) details of the procedures that ensure compliance with the laws of any foreign State in which the applicant's aircraft operate; and
  - (13) procedures to control, amend, and distribute the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

## Subpart C —General Aviation Air Operator – Certification Requirements

*Rule 119.101 is revoked and replaced by the following rule:*

### **119.101 Personnel requirements**

(a) An applicant for the grant of a general aviation air operator certificate must employ, contract, or otherwise engage—

(1) a senior person identified as the chief executive who—

(i) has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements and standards prescribed by this Part; and

(ii) is responsible for ensuring that the organisation complies with the requirements of this Part; and

(2) a senior person—

(i) responsible for ensuring that the applicant's organisation complies with its exposition; and

(ii) responsible for the functions referred to in paragraph (b)(1); and

(iii) ultimately responsible to the chief executive; and

(3) sufficient personnel to plan, perform, supervise, inspect, and certify the operations listed in the applicant's exposition.

(b) The senior persons required by paragraph (a) must—

(1) unless otherwise acceptable to the Director as a consequence of the size and expected scope of the applicant's organisation, each be responsible for no more than one of the following functions—

(i) air operations, including the flight operations and the supporting ground operations:

- (ii) crew training and competency assessment:
  - (iii) the control and scheduling of maintenance:
  - (iv) the system for safety management required under rule 119.124:
  - (v) conducting occurrence investigations in accordance with Part 12; and
- (2) hold the minimum qualifications and experience listed in Appendix B that are applicable to the function for which they are responsible.
- (c) Despite paragraph (b)(1)(ii), and if applicable to the structure of the applicant's organisation, the senior person responsibilities for competency assessment may be assumed by the senior person responsible for air operations under paragraph (b)(1)(i).

***Rule 119.124 is revoked and replaced by the following rule:***

#### **119.124 Safety management**

An applicant for the grant of a general aviation air operator certificate must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

***Rule 119.125 is revoked and replaced by the following rule:***

#### **119.125 General aviation air operator exposition**

- (a) An applicant for the grant of a general aviation air operator certificate must provide the Director with an exposition, that contains—
- (1) a statement signed by the chief executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—
    - (i) define the air operator organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part and any other applicable Part; and

- (ii) are to be complied with by the organisation's personnel at all times; and
- (1A) in relation to the system for safety management required by rule 119.124,—
  - (i) all of the documentation required by rule 100.3(b); and
  - (ii) for an applicant that is not applying for a renewal of a general aviation air operator certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (2) the titles and names of the senior persons required by rules 119.101(a)(1) and (2); and
- (3) the duties and responsibilities of the senior persons required by rules 119.101(a)(1) and (2) including—
  - (i) matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
  - (ii) responsibilities for safety management; and
- (4) if appropriate, an organisation chart showing lines of responsibility of the senior persons required by rules 119.101(a)(1) and (2); and
- (4A) information identifying the lines of safety responsibility within the organisation; and
- (5) details of the principal place of operation and the main maintenance base; and
- (6) details of the applicant's procedures required by this Part; and
- (7) details of—

- (i) the maintenance procedures required by rule 119.109; and
  - (ii) the maintenance programme required by rule 119.111; and
  - (iii) the maintenance organisation that performs maintenance on the applicant's aircraft; and
- (8) details of the programmes required, as appropriate, by this Part and Part 135; and
- (9) details of the applicant's procedures that ensures compliance with the laws of any foreign State in which the applicant's aircraft operate; and
- (10) procedures to control, amend, and distribute the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

## Subpart D — Operating Requirements

*Rule 119.151 is revoked and replaced by the following rule:*

### **119.151 Continued compliance**

- (a) A holder of an air operator certificate must comply with the operations specifications required by rule 119.15.
- (b) A holder of an air operator certificate must—
- (1) continue to meet the standards and comply with the requirements of Subpart B or Subpart C as appropriate; and
  - (2) comply with every procedure and programme detailed in the certificate holder's exposition; and
  - (3) hold at each location specified in the certificate holder's exposition—
    - (i) at least 1 current copy of the certificate holder's operations specifications; and

- (ii) in hard copy, electronic, or other form acceptable to the Director, at least 1 current copy of the relevant sections of the certificate holder's exposition that are applicable to the operations at the location.

***Rule 119.165 is revoked and replaced with the following rule:***

**119.165 Changes to certificate holder's organisation**

- (a) A holder of an air operator certificate must—
  - (1) ensure that its exposition is amended so as to remain a current description of its organisation; and
  - (2) ensure that any amendment made to its exposition meets the applicable requirements of this or any other Part and complies with the amendment procedures contained in its exposition; and
  - (3) forward to the Director for retention a copy of each amendment to its exposition as soon as practicable after the amendment is incorporated into its exposition; and
  - (4) make such amendments to its exposition as the Director considers necessary in the interests of aviation safety.
- (b) Before a holder of an air operator certificate changes any of the following, prior acceptance by the Director is required:
  - (1) the chief executive;
  - (2) the listed senior persons;
  - (3) the locations detailed in the exposition under rules 119.81(a)(7) or 119.125(a)(5), as appropriate, from which the certificate holder conducts air operations;
  - (4) the scope of the certificate holder's certificate;
  - (5) the system for safety management, if the change is a material change;
  - (6) [*revoked*]

- (7) the maintenance programme:
  - (8) any contractor carrying out the certificate holder's maintenance or training:
  - (9) the flight and duty scheme:
  - (10) where required, the air operator security programme.
- (c) [*revoked*].
- (d) The Director may impose conditions on the air operator certificate during or following any of the changes specified in paragraph (b).
- (e) The certificate holder must comply with any condition imposed by the Director under paragraph (d).
- (f) If any of the changes referred to in paragraph (b) requires an amendment to the air operator certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.
- (g) [*revoked*]

### **119.169 *Revoked***

## **Subpart E — Transitional Provisions**

*Rule 119.201 is inserted after rule 119.167:*

### **119.201 Transition for airline air operator certificate holders and applicants performing Part 121 or Part 125 operations**

- (a) This rule applies to each—
- (1) airline air operator certificate holder that performs any operations specified in rule 121.1 or rule 125.1:
  - (2) airline air operator certificate applicant that will perform any operations specified in rule 121.1 or 125.1.
- (b) Before 1 February 2018, an organisation to which this rule applies—



- (1) is not required to comply with—
  - (i) rule 119.51(b)(1)(iv), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:
  - (ii) rule 119.79, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 119.205:
  - (iii) rule 119.81(a)(1A):
  - (iv) rule 119.81(a)(3)(ii):
  - (v) rule 119.81(a)(6A); but
- (2) by 30 July 2016 must submit to the Director with the accompanying completed CAA form an implementation plan that—
  - (i) includes a proposed date for implementation of the system for safety management; and
  - (ii) outlines how the organisation plans to implement the system for safety management required under rule 119.79.
- (c) The Director will, if acceptable—
  - (1) approve the organisation’s implementation plan; and
  - (2) set the date for implementation of the system for safety management.
- (d) To avoid doubt, the date for implementation is the date the Director approves the system for safety management.
- (e) In setting the date under rule 119.201(c)(2) , the Director must have regard to the following:

- (1) the capability of the organisation:
  - (2) the complexity of the organisation:
  - (3) the risks inherent in the activities of the organisation:
  - (4) the date of any certificate renewal:
  - (5) any resource or scheduling impacts on the organisation or the Authority or both:
  - (6) the date for implementation must not be later than 1 February 2018.
- (f) If the organisation is an applicant for an airline air operator certificate it must submit its application for such a certificate together with the plan for implementation of the system for safety management.
- (g) This rule expires on 1 February 2018.

*Rule 119.203 is inserted after rule 119.167 and following rule 119.201:*

**119.203 Transition for airline air operator certificate holders and applicants performing Part 135 operations**

- (a) This rule applies to each—
- (1) airline air operator certificate holder that performs any operations specified in rule 135.1:
  - (2) airline air operator certificate applicant that will perform any operations specified in rule 135.1.
- (b) Before 1 February 2021, an organisation to which this rule applies—
- (1) is not required to comply with—
    - (i) rule 119.51(b)(1)(iv), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:

- (ii) rule 119.79, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 119.205:
  - (iii) rule 119.81(a)1A):
  - (iv) rule 119.81(a)(3)(ii):
  - (v) rule 119.81(a)(6A); but
- (2) by 30 July 2018 must submit to the Director with the accompanying completed CAA form an implementation plan that—
  - (i) includes a proposed date for implementation of the system for safety management; and
  - (ii) outlines how the organisation plans to implement the system for safety management required under rule 119.79.
- (c) The Director will, if acceptable—
  - (1) approve the organisation’s implementation plan; and
  - (2) set the date for implementation of the system for safety management.
- (d) To avoid doubt, the date for implementation is the date the Director approves the system for safety management.
- (e) In setting the date under rule 119.203(c)(2) , the Director must have regard to the following:
  - (1) the capability of the organisation:
  - (2) the complexity of the organisation:
  - (3) the risks inherent in the activities of the organisation:
  - (4) the date of any certificate renewal:

- (5) any resource or scheduling impacts on the organisation or the Authority or both:
- (6) the date for implementation must not be later than 1 February 2021.
- (f) If the organisation is an applicant for an airline air operator certificate it must submit its application for such a certificate together with the plan for implementation of the system for safety management.
- (g) This rule expires on 1 February 2021.

*Rule 119.205 is inserted after rule 119.167 and following rule 119.203:*

**119.205 Transitional internal quality assurance for airline air operator certificate holders and applicants**

- (a) The internal quality assurance system required by rule 119.201(b)(1)(ii) or 119.203(b)(1)(ii) must be established to ensure the organisation’s compliance with, and the adequacy of, the procedures required by this Part.
- (b) The internal quality assurance system must include—
  - (1) a **safety policy** and safety policy procedures, including the procedure for occurrence investigations conducted in accordance with Part 12; and
  - (2) a procedure to ensure **quality indicators**, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and
  - (3) a procedure for **corrective action** to ensure existing problems that have been identified within the system are corrected; and
  - (4) a procedure for **preventive action** to ensure that potential causes of problems that have been identified within the system are remedied; and

- (5) an **internal audit programme** to audit the applicant's organisation for conformity with the procedures in its exposition and achievement of the goals set in its safety policy; and
  - (6) **management review** procedures that may, where appropriate, include the use of statistical analysis, to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures must ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure for corrective action must specify how—
- (1) to correct an existing problem; and
  - (2) to follow up a corrective action to ensure the action is effective.
- (e) The procedure for preventive action must specify how—
- (1) to correct a potential problem; and
  - (2) to follow up a preventive action to ensure the action is effective; and
  - (3) to amend any procedure required by this Part as a result of a preventive action.
- (f) The internal quality audit programme must—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and

- (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) measure the effectiveness of any preventive or corrective action taken by the personnel responsible for the activity being audited since the last audit; and
  - (5) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (6) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review must—
- (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the manager who is responsible for the review of the quality assurance system; and
  - (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting safety.
- (i) This rule expires on 1 February 2021.

***Rule 119.207 is inserted after rule 119.167 and following rule 119.205:***

**119.207 Transition for general aviation air operator certificate holders and applicants**

- (a) This rule applies to each—
- (1) general aviation air operator certificate holder;
  - (2) general aviation air operator certificate applicant.

(b) Before 1 February 2021, an organisation to which this rule applies—

(1) is not required to comply with—

(i) rule 119.101(b)(1)(iv), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for an organisational management system:

(ii) rule 119.124, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an organisational management system that complies with rule 119.209:

(iii) rule 119.125(a)(1A):

(iv) rule 119.125(a)(3)(ii):

(v) rule 119.125(a)(4A); but

(2) by 30 July 2018 must submit to the Director with the accompanying completed CAA form a plan for implementation that—

(i) includes a proposed date for implementation of the system for safety management; and

(ii) outlines how the organisation plans to implement the system for safety management required under rule 119.124.

(c) The Director will, if acceptable—

(1) approve the organisation's plan for implementation; and

(2) set the date for implementation of the system for safety management.

(d) To avoid doubt, the date for implementation is the date the Director approves the system for safety management.

(e) In setting the date under rule 119.207(c)(2), the Director must have regard to the following:

- (1) the capability of the organisation:
- (2) the complexity of the organisation:
- (3) the risks inherent in the activities of the organisation:
- (4) the date of any certificate renewal:
- (5) any resource or scheduling impacts on the organisation or the Authority or both:
- (6) the date for implementation must not be later than 1 February 2021.

(f) If the organisation is an applicant for a general aviation air operator certificate it must submit its application for such a certificate together with the plan for implementation of the system for safety management.

(g) This rule expires on 1 February 2021.

***Rule 119.209 is inserted after rule 119.167 and following rule 119.207:***

**119.209 Transitional organisational management system for general aviation air operator certificate holders or applicants**

(a) The organisational management system required by rule 119.207(b)(ii) must be established to ensure the organisation's compliance with, and adequacy of, the procedures required by this Part.

(b) The organisational management system procedures must be of sufficient detail when considering the size and complexity of the operation to ensure that the appropriate organisational procedures are understood, implemented, and maintained at all levels of the organisation.

(c) Except as provided in paragraph (e), the organisational management system must include—



- (1) a safety policy and safety policy procedures, including the procedure for occurrence investigations conducted in accordance with Part 12; and
  - (2) a procedure to ensure personnel and customer feedback are monitored to identify existing problems or potential causes of problems within the system; and
  - (3) a procedure to ensure problems, or potential problems, that have been identified within the system are—
    - (i) corrected; and
    - (ii) checked to ensure any corrections have been effective; and
  - (4) a procedure to check that the organisation’s programmes and procedures achieve the stated aims of its safety policy; and
  - (5) a procedure to ensure that the management of the organisation continues to be effective in satisfying the requirements of this Part, including—
    - (i) a regular plan of review; and
    - (ii) regular feedback to personnel including the results of the review and any actions undertaken to correct problems identified.
- (d) The senior person who has the responsibility for the organisational management system must communicate with the chief executive on matters affecting safety.
- (e) Paragraph (c) must not apply to an organisation that conducts or intends to conduct air operations—
- (1) with a total of three or less aircraft listed on their operations specifications; and
  - (2) from a total of two or less bases.
- (f) This rule expires on 1 February 2021.

## **Appendix A — Qualifications and Experience of Senior Persons – Airline Air Operator Certificate Holder**

*A.3.1 of Appendix A is revoked and replaced by the following:*

### **A.3.1 Part 121 Operations**

(a) The senior person responsible for the control and direction of maintenance in an organisation conducting air operations under Part 121 must—

- (1) have a clear knowledge and understanding of the maintenance parts of the organisation's exposition and the applicable maintenance provisions of Part 121; and
- (2) meet the requirements of paragraph (b); and
- (3) undertake any examination or test that the Director may require to determine the applicant's competency to perform the maintenance planning and control functions required.

(b) The senior person in paragraph (a)—

- (1) must—
  - (i) hold or have held an aircraft maintenance engineer licence or equivalent, acceptable to the Director, with appropriate ratings; and
  - (ii) have at least 5 years' experience in the maintenance of aircraft of a similar size and type as that to be operated by the organisation; and
  - (iii) have at least 2 years' experience in a supervisory position which may be undertaken during the 5 years' experience required under subparagraph (1)(ii); or
- (2) must—
  - (i) be a graduate engineer or equivalent in an aeronautical, mechanical or electrical discipline; and

- (ii) have at least 5 years' experience of the maintenance of aircraft, which may be gained while working in a maintenance supervision, maintenance planning, engineering development, or workshop environment; and
  - (iii) have at least six months practical experience in aircraft maintenance tasks which may be undertaken during the 5 years' experience required under subparagraph (2)(ii); and
  - (iv) have at least 2 years' experience in a supervisory position which may be undertaken during the 5 years' experience required under subparagraph (2)(ii).
- (b) The experience requirements in paragraphs (b)(1)(ii) and (b)(2)(ii) may be met through a course of instruction acceptable to the Director and conducted under the authority of a training organisation certificate granted under section 9 of the Act and in accordance with Part 141 or Part 147 .

***A.3.2 of Appendix A is revoked and replaced by the following:***

**A.3.2 Part 125 Operations**

- (a) The senior person responsible for the control and direction of maintenance in an organisation conducting air operations under Part 125 must—
- (1) have a clear knowledge and understanding of the maintenance parts of the organisation's exposition and the applicable maintenance provisions of Part 125; and
  - (2) meet the requirements of paragraph (b); and
  - (3) undertake any examination or test that the Director may require to determine the person's competency to perform the maintenance planning and control functions required.
- (b) The senior person referred to in paragraph (a)—
- (1) must meet the requirements of paragraph A.3.1; or

- (2) must—
- (i) hold or have held an aircraft maintenance engineer licence granted under section 9 of the Act and in accordance with Part 66, or an equivalent licence acceptable to the Director, with appropriate ratings; and
  - (ii) have at least 3 years’ experience performing maintenance on aircraft of a similar size and type as that to be operated by the organisation; and
  - (iii) have at least 1 years’ experience certifying aircraft for release-to-service, which may be undertaken during the 3 years’ experience required under subparagraph (ii); or
- (3) must have experience acceptable to the Director including at least 5 years’ experience responsible for the control and direction of maintenance and the continuing airworthiness of aircraft of a similar size and type as that to be operated by the organisation.

(c) The experience requirement specified in paragraph (b)(2)(ii) may alternatively be met through a course of instruction acceptable to the Director and conducted under the authority of a training organisation certificate granted under section 9 of the Act and in accordance with Part 141 or Part 147.

*A.4 of Appendix A is revoked and replaced by the following:*

**A.4 Senior person responsible for the system for safety management**

| <b>Part 121, 125, or 135 Operation</b> |   |
|--|---|
| Competency                             | Demonstrate competency relevant to systems for safety management.<br>A working knowledge of the applicable Civil Aviation Rules and safety management requirements. |
| Experience                             | Experience and background relevant to the management of safety systems and the activities of the organisation.  |

## **Appendix B — Qualifications and Experience of Senior Persons – General Aviation Air Operator Certificate Holder**

*B.3 of Appendix B is revoked and replaced by the following:*

### **B.3 Senior person responsible for the control and direction of maintenance**

(a) The senior person responsible for the control and direction of maintenance in an organisation conducting air operations under Part 135 must—

- (1) have a clear knowledge and understanding of the maintenance parts of the organisation's exposition and the applicable maintenance provisions of Part 135; and
- (2) meet the requirements of paragraph (b); and
- (3) undertake any examination or test that the Director may require to determine the applicant's competency to perform the maintenance planning and control functions required.

(b) The senior person in paragraph (a) must—

- (1) meet the requirements of Appendix A.3.1; or
- (2) meet the requirements of Appendix A.3.2; or
- (3) for organisations intending to conduct or conducting air operations with a total of three or less aircraft listed on their operations specifications and from a total of two or less bases, have sufficient knowledge of maintenance to be able to ensure that the aircraft is maintained in an airworthy condition and that any maintenance required by its maintenance programme is satisfactorily accomplished.

(c) The knowledge requirements in paragraph (b)(3) may be met through a course of instruction acceptable to the Director and conducted under the authority of a training organisation certificate granted under section 9 of the Act and in accordance with Part 141 or Part 147.

***B.4 of Appendix B is revoked and replace by the following:***

**B.4 Senior person responsible for the system for safety management**

| <b>Part 135 Operation</b> |   |
|---------------------------|---|
| Competency                | Demonstrate competency relevant to systems for safety management.<br>A working knowledge of the applicable Civil Aviation Rules and safety management requirements. |
| Experience                | Experience and background relevant to the management of safety systems and the activities of the organisation.  |

## Consultation Details

*(This statement does not form part of the rules contained in Part 119. It provides details of the consultation undertaken in making the rules.)*

A Notice of Proposed Rulemaking, NPRM 15-02, Safety Management, containing the proposed rules was issued for public consultation under Docket 8/CAR/1 on 7 May 2015.

20 responses to the NPRM were received. Two related to the proposed transition requirements as follows:

### Transition rules

In regard to the time allowed for transition, most believed that the implementation time allowed was adequate. However, 2 submitters felt that it was too short – both were working in areas that were mainly Part 135 operations, but had a small element of Part 125 operations that would require the shorter transition period. This, they felt was unachievable; and in one case the submitter suggested that Part 125 operations should be allowed the longer transition to match Part 135.

One submitter suggested dropping the transitional rule that requires a transitional plan by a fixed date, as it appears nearly impossible to enforce in a meaningful way. The submitter questioned the CAA's intention if the CAA does not agree with an implementation plan? The submitter was of the view that as long as a plan is submitted, regardless of its content, the rule has been met. The intent of this rule may well be better achieved by other means, such as the anticipated timelines the CAA expects it will take to process an application for an exposition change that includes a SMS.

*CAA Response: The CAA has reviewed the proposed transitional provisions and came to the following conclusions:*

- *The timing of the proposed implementation stages has been examined and found that 1 year for the first group and 3 years for the second group would be unreasonably short considering the following:*
  - *the number of affected certificates;*

- *non-validated data on the level of proactive implementation already undertaken by organisations; and*
- *an untested SMS certification process.*

*Therefore, while still under consideration pending further review of information from other States who have already been through this process, the times are expected to be extended.*

- *The decision by CAA that organisations submit an implementation plan was informed by current best practice and that other States have done likewise. To ensure that the organisation's SMS is properly developed within the required timeframe, some measure of additional oversight is necessary. Therefore, the final rules will be drafted to require that an implementation date is agreed between the organisation and the CAA; and that the implementation plan must be approved.*

*One of the acknowledged sources of hazards is change in an organisation's operation, and it is one of the reasons that effective change management practices be applied at the outset. Therefore, any changes to the implementation plan and SMS will be documented and submitted to the CAA for approval. If a change is required, the CAA may provide additional guidance to the organisation to ensure that the SMS remains in compliance with the SMS rules and is implemented within the specified period following the effective date of the final rule.*

*The final draft will also be explicit in requiring that, at the end of the implementation period (i.e. the implementation date), the SMS is acceptable to the Director.*