



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

7th

day of

Dec

2015

by **HON CRAIG FOSS**

A handwritten signature in black ink, appearing to be 'C. Foss', is written over the printed name 'HON CRAIG FOSS'.

Associate Minister of Transport

Civil Aviation Rules

Part 145, Amendment 13

Aircraft Maintenance Organisations – Certification

Docket 8/CAR/1

Contents

Rule objective.....	3
Extent of consultation – Safety Management project.....	3
Summary of submissions.....	4
Extent of consultation – Maintenance Training Organisations project.....	4
Summary of submissions.....	5
Examination of submissions.....	5
Insertion of Amendments	5
Effective date of rule.....	5
Availability of rules.....	5
Subpart B — Certification Requirements	6
145.51 Personnel requirements.....	6
145.60 Authorisation procedures.....	7
145.65 Safety management	11
145.67 Maintenance organisation exposition	11
Subpart C — Operating Requirements	14
145.105 Changes to certificate holder's organisation.....	14
Subpart D – Transition Provisions	15
145.151 Transition for maintenance organisation certificate holders and applicants that maintain aircraft performing Part 121 or Part 125 operations or their components.....	15
145.153 Transition for maintenance organisation certificate holders and applicants that maintain aircraft not performing Part 121 or Part 125 operations or their components	18
145.155 Transitional internal quality assurance for maintenance organisation certificate holders and applicants	19
Consultation Details	23

Rule objective

The objective of amendment 13 to Part 145 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 8/CAR/1, 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. One submission related to Part 145. Having considered this submission the status quo was retained in relation to certain amendments; however, the transition provisions have been revised. Refer also to *Consultation Details* on page 23.

Extent of consultation – Maintenance Training Organisations 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, 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 145.

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 13 to Part 145 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 — Certification Requirements

Rule 145.51 is revoked and replaced by the following rule:

145.51 Personnel requirements

(a) An applicant for the grant of a maintenance organisation certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who 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
- (2) a senior person or persons who is or are responsible for ensuring that the organisation complies with the requirements of this Part. The nominated person or persons must be ultimately responsible to the chief executive for the following functions:
 - (i) the control and direction of maintenance activities;
 - (ii) personnel authorisations;
 - (iii) the system for safety management required under rule 145.65; and
- (3) sufficient personnel to plan, perform, supervise, inspect, and certify the maintenance activities listed in the exposition.

(aa) The senior person required by paragraph (a)(2)(iii) must be able to demonstrate competency and experience relevant to the management of safety systems and the activities of the certificate holder.

(b) The applicant must—

- (1) establish a procedure for initially assessing and maintaining, the competency of those personnel involved in planning, performing, supervising, inspecting, or certifying the maintenance activities performed by the organisation; and

- (2) provide those personnel with written evidence of the scope of their authorisation.

Rule 145.60 is revoked and replaced by the following rule:

145.60 Authorisation procedures

(a) Subject to paragraphs (b), (c), (d), (e), (f), and (g), an applicant for the grant of a maintenance organisation certificate must establish procedures for authorising a person to perform the following types of maintenance activities under the authority of the maintenance organisation certificate:

- (1) perform and supervise maintenance on an aircraft or a component as specified in the authorisation;
- (2) certify an aircraft or a component as specified in the authorisation for release-to-service after maintenance has been performed;
- (3) certify the conformity of a major modification and a major repair to an aircraft and a component to acceptable technical data.

(b) Except as provided in paragraph (c), a person must not be authorised to certify an aircraft or a component for release-to-service after maintenance unless the person—

- (1) holds a current aircraft maintenance engineer licence with an appropriate rating, issued in accordance with Part 66; or
- (2) holds a current aircraft maintenance engineer licence in an appropriate category issued in accordance with Part 66 and meets a standard at least equal to that required by Subpart C of Part 66 for the grant of an aircraft maintenance engineer rating; or
- (3) holds an appropriate current aircraft maintenance engineer licence with an appropriate rating issued by the Civil Aviation Safety Authority of Australia, and has had that licence registered by the Director in New Zealand under the Trans Tasman Mutual Recognition Act 1997; or

- (4) holds a current certificate of maintenance approval, with appropriate endorsement, issued in accordance with Part 66; or
 - (5) for maintenance performed outside of New Zealand—
 - (i) holds an appropriate current maintenance engineer document that is issued under the authority of an ICAO Contracting State, acceptable to the Director, for the type of aircraft or component for which the authorisation is intended; or
 - (ii) holds an equivalent authorisation that is issued by an organisation that is certificated to perform maintenance by an ICAO Contracting State, acceptable to the Director, for the type of aircraft or component for which the authorisation is intended; or
 - (6) for a limited authorisation to certify an aircraft for release-to-service following limited maintenance activities as specified in the procedure, holds a current and appropriate aircraft maintenance engineer licence issued under the Act and in accordance with Part 66 and has training and experience acceptable to the Director appropriate to the limitations in the authorisation; or
 - (7) for maintenance specified in Appendix A.1 of Part 43, meets the requirement of rule 43.51(b) and is appropriately trained to perform the maintenance and certify the release-to-service for the aircraft type for which the authorisation is intended.
- (c) A person may be authorised to certify a component for release-to-service after maintenance if the person has—
- (1) successfully completed a course of training relevant to the component for which the authorisation is intended, or passed an examination acceptable to the Director relevant to the component for which the authorisation is intended; and
 - (2) 36 months of practical aviation related experience with the procedures, practices, materials, tools, machine tools, and

equipment generally used in constructing, maintaining, or modifying airframes, powerplants, or avionic equipment; and

- (3) 6 months of supervised experience directly relevant to the component for which authorisation is sought.
- (d) The course of training specified in paragraph (c)(1) must be—
- (1) conducted by the holder of a maintenance organisation certificate issued under the Act and in accordance with Part 145 with an E1 rating for the training of the organisation's staff; or
 - (2) conducted by the holder of a training organisation certificate granted under section 9 of the Act and in accordance with Part 141 or Part 147 if the training organisation certificate authorises such a course; or
 - (3) conducted by the manufacturer of the applicable component; or
 - (4) approved by the aviation authority of an ICAO Contracting State acceptable to the Director.
- (e) A person must not be authorised to—
- (1) certify an aircraft or component for release-to-service after maintenance unless the person—
 - (i) has been examined by an appropriate senior person for familiarity with the maintenance control procedures required by rule 145.59(b); and
 - (ii) has been examined by an appropriate senior person for technical competence in respect of the authorisation to be held; and
 - (iii) if the authorisation includes an aeroplane that is identified in an air operator maintenance programme as being authorised for EDTO, has completed a training course that is applicable to the requirements of rule 121.407; or

- (2) certify the conformity of major modifications and major repairs to aircraft and components to acceptable technical data unless the person—
 - (i) is the holder of an authorisation to certify the aircraft or component for release-to-service; and
 - (ii) has completed a course of training relevant to modification and repair conformity; and
 - (iii) has passed an examination acceptable to the Director relevant to modification and repair conformity.

- (f) A person holding an authorisation issued in accordance with the procedures required by paragraph (a) must not exercise the privileges of the authorisation unless the person—
 - (1) satisfies the applicable recent experience requirements prescribed in rules 66.57 and 66.207 irrespective of whether the person holds an aircraft maintenance engineer licence issued under the Act and in accordance with Part 66; and
 - (2) if the authorisation includes an aeroplane that is identified in an air operator maintenance programme as being authorised for EDTO, has completed, within the previous 24 months, a refresher training course that is applicable to the requirements of rule 121.407.

- (g) An authorisation issued under paragraph (a) to a person who meets the requirements of paragraphs (b) or (c) may not confer greater privileges than those conferred by an equivalent rating issued under Subpart C of Part 66, or an equivalent certificate of maintenance approval issued in accordance with Subpart D of Part 66.

- (h) For the purpose of paragraphs (e)(1)(iii) and (f)(2), the reference to EDTO is also deemed to be a reference to ETOPS if the maintenance programme was approved before 1 November 2010.

Rule 145.65 is revoked and replaced by the following rule:

145.65 Safety management

An applicant for the grant of a maintenance organisation certificate must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

Rule 145.67 is revoked and replaced by the following rule:

145.67 Maintenance organisation exposition

(a) An applicant for the grant of a maintenance organisation certificate must provide the Director with an exposition that contains—

- (1) a statement signed by the applicant's chief executive on behalf of the applicant confirming that the exposition and any included manuals—
 - (i) define the maintenance organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) are to be complied with by its personnel; and
- (1A) in relation to the system for safety management required by rule 145.65,—
 - (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 maintenance organisation certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (2) the titles and names of the senior person or persons required by rules 145.51(a)(1) and (2); and
- (3) the duties and responsibilities of the senior person or persons required by rules 145.51(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) an organisation chart showing lines of responsibility of the senior person or persons required by rules 145.51(a)(1) and (2); and
- (5) except as provided in paragraph (b), details of every location where the applicant performs maintenance and details of the facilities at those locations; and
- (6) details of the applicant's staffing structure at each of the locations listed under paragraph (a)(5); and
- (6A) information identifying the lines of safety responsibility within the organisation and
- (7) a detailed description of the scope of work undertaken by the applicant; and
- (8) details of the applicant's procedures required by—
- (i) rule 145.51(b) regarding the assessment of competency of personnel; and
 - (ii) rule 145.51(b) regarding on-going training to maintain the competency of personnel; and
 - (iii) rule 145.52 regarding maintenance personnel duty time limitations; and
 - (iv) rule 145.55(2) regarding the control and calibration of tools, jigs, maintenance equipment, and test equipment; and
 - (v) rule 145.59(b)(1) regarding inspections of raw materials, parts, and assemblies; and

- (vi) rule 145.59(b)(2) regarding non-conforming materials and parts; and
 - (vii) rule 145.59(b)(3) regarding the performance of maintenance activities; and
 - (viii) rule 145.59(b)(4) regarding the subcontracting of maintenance activities; and
 - (ix) rule 145.59(b)(5) regarding the identification, handling, storage, and packing of materials, parts, and assemblies; and
 - (x) rule 145.59(b)(6) regarding the certification of aircraft and components for release-to-service; and
 - (xi) rule 145.59(b)(7) regarding the issue of CAA Form One – authorised release certificates; and
 - (xii) rule 145.59(b)(8) regarding the control and distribution of documentation; and
 - (xiii) rule 145.60 regarding the issue of authorisations to appropriate persons; and
 - (xiv) rule 145.61 regarding the collection and provision of information for the continued airworthiness of the aircraft and components that the applicant maintains; and
 - (xv) rule 145.63(a) regarding the identification, collection, indexing, storage, and maintenance of records; and
 - (xvi) rule 145.63(b) regarding the recording of personnel experience, competency, qualifications and training; and
- (9) details of the facilities required by rule 145.53(b)(3) for the storage and segregation of parts; and
 - (10) details of the means to provide appropriate environmental conditions required by rule 145.53(c); and

- (11) [*revoked*]
 - (12) procedures to control, amend and distribute the exposition; and
 - (13) procedures at least equivalent to those required by rule 147.57 and rule 147.59; and
 - (14) procedures for changing the scope within a rating.
 - (15) if a rating for issuing release notes is sought under rules 145.11(13) to (15), meet or exceed the exposition requirements in rule 19.325.
- (b) The applicant's exposition need not contain details of those locations where the applicant conducts maintenance in accordance with procedures required by rule 145.59(b)(3)(iii).
- (c) The applicant's exposition must be acceptable to the Director.

Subpart C — Operating Requirements

Rule 145.105 is revoked and replaced by the following rule:

145.105 Changes to certificate holder's organisation

- (a) Subject to paragraphs (d) and (f), the holder of a maintenance organisation certificate must amend the details in the holder's exposition required under rule 145.67 to ensure that it remains a current description of the holder's organisation.
- (b) The certificate holder must—
- (1) ensure that any amendment made to its exposition meets the applicable requirements of this Part and any other relevant Part; and
 - (2) comply with the amendment procedures contained in its exposition.
- (c) The certificate holder must 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.

(d) Before a certificate holder changes any of the following, prior acceptance of the Director is required:

- (1) the chief executive:
- (2) the listed senior persons:
- (3) the maintenance ratings:
- (4) the procedures for changing the scope within a rating:
- (5) the locations at which maintenance is carried out:
- (6) the procedure for authorising persons to certify maintenance:
- (7) the system for safety management, if the change is a material change.

(e) The Director may impose conditions under which a certificate holder must operate during or following any of the changes listed in paragraph (d).

(f) A certificate holder must comply with any condition imposed by the Director under paragraph (e).

(g) If any change referred to in this rule requires an amendment to the certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.

(h) A certificate holder must make such amendments to its exposition as the Director may consider necessary in the interests of aviation safety.

Subpart D – Transition Provisions

Insert 145.151 after rule 145.105:

145.151 Transition for maintenance organisation certificate holders and applicants that maintain aircraft performing Part 121 or Part 125 operations or their components

- (a) This rule applies to each—
 - (1) maintenance organisation certificate holder that—

- (i) maintains any aircraft that performs operations specified in rule 121.1 or rule 125.1:
 - (ii) maintains any component of an aircraft referred to in subparagraph (1)(i):
- (2) maintenance organisation certificate applicant that will—
 - (i) maintain any aircraft that performs operations specified in rule 121.1 or rule 125.1:
 - (ii) maintain any component of an aircraft referred to in subparagraph (2)(i).
- (b) Before 1 February 2018, an organisation to which this rule applies—
 - (1) is not required to comply with—
 - (i) rule 145.51(a)(2)(iii), 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 145.65, 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 145.155:
 - (iii) rule 145.67(a)(1A):
 - (iv) rule 145.67(a)(3)(ii):
 - (v) rule 145.67(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 145.65.
- (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 145.151(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 a maintenance organisation 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.

Insert rule 145.153 after rule 145.105 and following rule 145.151:

145.153 Transition for maintenance organisation certificate holders and applicants that maintain aircraft not performing Part 121 or Part 125 operations or their components

- (a) This rule applies to each—
- (1) maintenance organisation certificate holder that does not—
 - (i) maintain any aircraft that performs operations specified in rule 121.1 or rule 125.1;
 - (ii) maintain any component of an aircraft referred to paragraph (1)(i):
 - (2) maintenance organisation certificate applicant that will not—
 - (i) maintain any aircraft that performs operations specified in rule 121.1 or rule 125.1;
 - (ii) maintain any component of an aircraft referred to in paragraph (2)(i).
- (b) Before 1 February 2021, an organisation to which this rule applies—
- (1) is not required to comply with—
 - (i) rule 145.51(a)(2)(iii), 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 145.65, 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 145.155;
 - (iii) rule 145.67(a)(1A);
 - (iv) rule 145.67(a)(3)(ii);
 - (v) rule 145.67(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 145.65.
- (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 145.153(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) This rule expires on 1 February 2021.

Insert rule 145.155 after rule 145.105 and following rule 145.153:

145.155 Transitional internal quality assurance for maintenance organisation certificate holders and applicants

(a) The internal quality assurance system required by rules 145.151(b)(1)(ii) and 145.153(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 that are relevant to the applicant's organisational goals and the expectations and needs of its customers; 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 that 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 its safety policy; and
- (6) management review procedures 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) existing problems are corrected; and

- (2) corrective action is followed up to ensure the action is effective; and
 - (3) any procedure required for this Part is amended as a result of corrective action; and
 - (4) management will review the effectiveness of any corrective action taken.
- (e) The procedure for preventive action must specify how—
- (1) potential problems are corrected; and
 - (2) preventive action is followed up to ensure the action is effective; and
 - (3) any procedure required for this Part is amended as a result of preventive action; and
 - (4) management will review the effectiveness of any preventive action taken.
- (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) 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
 - (5) 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.

Consultation Details

(This statement does not form part of the rules contained in Part 145. 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. One related to Part 145 as follows:

Personnel requirements

Two submitters commented that proposed rule 145.51(b) separates “personnel authorisations” and “safety management” unless otherwise accepted by the Director; and notes that currently the function of internal audit may be undertaken concurrently with other functions by one person. Other submitters made the same comment on rules 19.317, 115.51, 146.51, and 148.51. One of those submitters suggested qualifying the requirement by referring to the size of the organisation.

CAA Response: The introduction of the proposed requirement was intended to standardise that requirement across all certificate types – most of which have had that provision since the original issue of those rule parts (including rule 115.51(b)(1) which is unchanged in this proposal). There was no intent to change any existing structure. However, in light of the concerns raised, the CAA will recommend restoring the status quo in rules 145.51(b), 146.51(b), and 148.51(b).

Two submissions related to the transition provisions 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.