



**PURSUANT** to Section 28 of the Civil Aviation Act 1990

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

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This                      day of                      2016

12<sup>th</sup>

Dec

A handwritten signature in black ink, appearing to be 'CRAIG FOSS', written over a faint, larger signature.

by Hon Craig Foss

Associate Minister of Transport

**Civil Aviation Rules**

**Part 148, Amendment 5**

**Aircraft Manufacturing Organisations – Certification**

*Docket 16/CAR/1*

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**Rule objective**

The objective of amendment 5 to Part 148 is to correct an incorrect paragraph reference in rule 148.51(aa) and to correct aspects of the Safety Management transitional provision in line with the original policy intentions.

**Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 16-01, containing the proposed changes to Part 148 and other rules was issued for public consultation under Docket 16/CAR/1 on 2 June 2016.

The NPRM was published on the CAA website and emailed to subscribers of the automatic alert service provided by the CAA.

A period of 27 days was allowed for comment on the proposed rules.

**Summary of submissions**

Six written submissions and no oral comments were received on the NPRM. These submissions and comments have been considered and as a result a minor and non-controversial amendment is being made to rule 91.605 and two new definitions are being inserted in Part 1 to clarify the definition of “Instrument runway”.

A summary of submissions for this NPRM is available on the CAA website.

No submissions were received in relation to the proposed amendments to Part 148.

**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**

This Part was amended by:

- rule 148.51(aa) was amended to correct an incorrect paragraph reference;

- rule 148.151 (the Safety Management transition rule) was amended to clarify that the body in paragraph (a) is the applicant for the grant of the certificate; that both applicants and certificate holders have to submit implementation plans for safety management to the Director; the timing of when plans must be submitted; that certificate holders do not need to submit the implementation plan with their certificate renewal application but may do so separately; to correct an incorrect statutory reference and to remove the wording in paragraph (f) of the existing rule.

**Effective date of rule**

Amendment 5 to Part 148 comes into force on 10 March 2017

**Availability of rules**

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

## Part 148 Aircraft Manufacturing Organisations – Certification

*Replace rule 148.51 with the following rule:*

### **148.51 Personnel requirements**

(a) An applicant for the grant of a manufacturing 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 prescribed by this Part; and
- (2) a senior person or persons who is or are responsible for ensuring that the applicant’s organisation complies with the requirements and standards prescribed by this Part. Such nominated person or persons must be ultimately responsible to the chief executive for the following functions:
  - (i) supply;
  - (ii) production;
  - (iii) inspection and test;
  - (iv) the system for safety management; and
- (3) sufficient personnel to plan, perform, supervise, inspect, and certify the manufacturing activities listed in the applicant’s exposition.

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

(b) The applicant must—

- (1) establish a procedure for initially assessing and for maintaining, the competence of personnel involved in planning, performing, supervising, inspecting, or certifying the manufacturing activities listed in the applicant's exposition; and
- (2) provide those personnel with written evidence of the scope of their authorisation.

***Replace rule 148.151 with the following rule:***

**148.151 Transition for manufacturing organisation certificate holders and applicants**

- (a) This rule applies to each—
  - (1) holder of a manufacturing organisation certificate:
  - (2) applicant for the grant of a manufacturing organisation certificate.
- (b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—
  - (1) rule 148.51(a)(2)(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:
  - (2) rule 148.65, 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 148.153:
  - (3) rule 148.67(a)(1A)(i):
  - (4) rule 148.67(a)(3)(ii):
  - (5) rule 148.67(a)(4A).

- (c) A completed CAA form and implementation plan must be submitted to the Director—
- (1) after 1 February 2016 for an applicant for the grant of a manufacturing organisation certificate under subparagraph (a)(2); and
  - (2) by 30 July 2018 for a holder of a manufacturing organisation certificate under subparagraph (a)(1).
- (d) The implementation plan referred to in paragraph (c) must—
- (1) include a proposed date for implementation of the system for safety management; and
  - (2) outline how the organisation plans to implement the system for safety management required under rule 148.65.
- (e) 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.
- (f) In setting the date under rule subparagraph (e)(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.

(g) A holder of a manufacturing organisation certificate under subparagraph (a)(1) does not have to submit an implementation plan with its certificate renewal application.

(h) This rule expires on 1 February 2021.