

Notice of Proposed Rule Making

NPRM 24-02

Drug and Alcohol Management Plans and Testing

Docket **24/CAR/02**

Background to the Civil Aviation Rules

The Civil Aviation Rules (the Rules) establish the minimum regulatory safety boundary for participants to gain entry into, operate within, and exit the New Zealand civil aviation system. The rules are structured in a manner similar to the Federal Aviation Regulations of the USA.

Rules are divided into Parts and each Part contains a series of individual rules which relate to a particular aviation activity. Some rules empower the use of a CAA notice or a transport instrument. Both these mechanisms can be used to set mandatory requirements such as detail about standards, conditions, procedures and technical specifications. Both can be amended by the Director following appropriate consultation and where amendments are in accordance with the corresponding enabling rule. The proposals in this document use transport instruments, which are a new mechanism enabled by the Civil Aviation Act 2023.

Advisory circulars accompany many rule parts and contain information about standards, practices and procedures that the Director has established to be an acceptable means of compliance with the associated rule. An advisory circular may also contain guidance material to facilitate compliance with the rule requirements.

The objective of the Rules system is to strike a balance of responsibility between, on the one hand, the Crown and regulatory authority (CAA) and, on the other hand, those who provide services and exercise privileges in the civil aviation system. This balance must enable the Crown and regulatory authority to set standards for, and monitor performance of, aviation participants whilst providing the maximum flexibility for the participants to develop their own means of compliance within the safety boundary.

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1. Purpose of this NPRM

The purpose of this rule-making proposal is to develop rules to support, and give effect to, the provisions in the Civil Aviation Act 2023 (the 2023 Act) for drug and alcohol management plans and testing.

To give certainty to aviation participants, who may be affected by the regime set up by the Act, the rules need to be in place well before 5 April 2025 (the Act's commencement date).

On 5 April 2025 a two-year transition period starts for the new regime. During this period existing certificate holders that meet the criteria for needing to develop drug and alcohol management plans, must submit their plans to the Civil Aviation Authority (CAA).

The objective of this proposal is to give effect to requirements for drug and alcohol management plans and testing in the 2023 Act – specifically subpart 6 of Part 4, and clauses 24-31 in Schedule 1.

New rules will support the Act's purpose of achieving a safe and secure civil aviation system by improving the management of risks arising from drug and alcohol use.

At a practical level the rules will:

- identify DAMP (Drug and Alcohol Management Plan) operators
- influence the scope of the drug and alcohol management plans – the DAMPs
- put in place a framework that is responsive to changing drugs, testing regimes and our understanding of impairment, and integrates with safety management systems
- prescribe notification, reporting and administrative matters, and
- manage the two-year transition period (up to 4 April 2027) so that CAA is able to efficiently consider DAMPs submitted to it for approval.

In addition, the proposal for new rules (along with supporting advisory circular guidance) seeks to ensure that:

- the administrative burden on DAMP operators will be as low as possible
- DAMP operators will have the flexibility to design drug and alcohol testing regimes that, while meeting the Act's requirements, also fit in with the way their organisation operators, size, location and type of workers
- there is a consistent approach across the sector (where this is important), and
- individuals and organisations are supported to actively manage risks arising from alcohol and other drug use.

2. Background to the proposal

2.1 General Summary

The new Act was given royal assent in April 2023. That triggered the beginning of two years for preparation, including development of any necessary rules and guidance.

The relevant part of the 2023 Act¹ introduces a drug and alcohol plan and testing regime intended to empower employers to create a safer workforce, and give assurances that the risk of drug and alcohol use is being addressed.

When the 2023 Act comes into force, on 5 April 2025, it will:

- require certain participants– termed DAMP operators and identified in rules – to develop drug and alcohol management plans (DAMPs) (refer definition in [section 113 of the Act](#))

¹ Subpart 6 of Part 4, and clauses 24-31 of Schedule 1

- prescribe the minimum content of any drug and alcohol management plan, primarily random drug and alcohol testing and a response plan (for when a drug or alcohol test indicates a concentration above permitted levels, a test is refused or tampering is suspected) (refer [subsection 114\(2\) of the Act](#))
- set out what is random testing of drugs - that it must be “non-discriminatory” and without “advance notification” and also describe the safety-sensitive workers who would be subject to such testing (refer definitions in [section 113 of the Act](#))
- prescribe a 2-year transition period for the drug and alcohol provisions (5 April 2025 to 4 April 2027), during which the drug and alcohol management plans will be submitted to CAA for approval [refer [Schedule 1 clause 24](#) and [clause 26](#)]

2.2 Context of drug and alcohol management in the sector

Drug and alcohol management is not new to the aviation industry.

Those holding aviation documents for adventure aviation activities have had a mandatory requirement for a drug and alcohol programme since late 2012 – currently affecting 20 organisations.² Under the advisory circular associated with the relevant rule (refer Rule Part 115), drug and alcohol testing (including random testing) is one of the means of compliance and all the operators include it in their policies.

Safety Management System (SMS) requirements were introduced into the aviation sector in 2016, through rules. Drug and alcohol management is considered one element of the wider SMS of an organisation and many companies already include alcohol and other drug management and testing policies and procedures. Random testing is, however, neither mandatory, nor generally occurring.

A number of the biggest players in the industry (including Air New Zealand and Airways) have for some years been running comprehensive drug and alcohol testing regimes that include random testing. Others are considering such developments, but the extent of testing is not clear. The current rules do not require drug and alcohol testing and so it is not reported to CAA.

The 2023 Act provisions did not change substantially between consultation on an exposure draft of the bill in 2019 and the third reading of the bill in March 2023. During the parliamentary process the provisions were predominately supported – although there were questions about who should pay and concerns were raised about the cost impact and practicalities for smaller operators.

Since the policy behind the 2023 Act was agreed in 2016, the NZ standards for drug testing have been revised. The standard for drug testing using oral fluid / saliva (AS/NZS 4760:2019) provides a cheaper and potentially more acceptable means of testing. The standard for urine testing (AS/NZS 4308:2023), however, still tends to be the process favoured by most sector participants who do drug and alcohol testing using third party providers.

2.3 What are DAMPs?

DAMP is shorthand for drug and alcohol management plan. DAMPs will be developed by certain aviation certificate holders identified in rules. Under the 2023 Act³ they must contain:

- statements on who – the safety-sensitive workers – will be subject to the drug and alcohol testing regime
- explanation of how random testing of the safety-sensitive workers will occur (including how it will be “random”)
- the drugs to be tested for (which may be through reference to NZ standards for drug testing)

² These are the holders of Part 115 Adventure Aviation certificates.

³ [Section 114 \(2\)](#) Civil Aviation Act 2023

- relevant procedures and other matters related to the testing regime (this may include any permissible levels of alcohol or drugs)
- a response plan, explaining what happens if a safety-sensitive worker shows alcohol or drugs above permitted levels, refuses a test or tampering is suspected.

The draft advisory circular provided with this NPRM provides guidance on DAMP content and it includes a draft template that companies may choose to use. Comments on the advisory circular are also welcomed as part of this consultation process.

2.4 Who will be the DAMP operators?

Under the 2023 Act, a DAMP operator is a person (individual or organisation) who is a participant in the aviation industry and holds an aviation document, and conducts an operation that involves 1 or more safety-sensitive activities. They must also be “in a class of persons specified in the rules as a DAMP operator” (definition in section 113).

The Act provides for a narrowing of the scope of DAMP operators through having civil aviation rules that specify which “class of persons” must have a DAMP.

As part of developing the proposal in this document the scope of DAMP operators was considered. See the discussion in 3.1. below.

2.5 Why are rules needed?

The Act’s provisions for drug and alcohol management plans (DAMPs), and associated testing, were written with the presumption that associated civil aviation rules would be developed.

The main matter to be covered by the proposed rules is the scope of the participants that will be subject to the Act’s requirements. The 2023 Act prescribes what a DAMP must contain and obligations on DAMP operators and workers. But who exactly is a DAMP operator must be prescribed in rules.

Rules are also required to set the dates by which existing certificate holders (who are considered “current DAMP operators”) must submit their initial Plans to CAA for approval.

New rules (some with associated transport instruments) will also assist the implementation of the regime by setting requirements for:

- potential future direction on the drugs that must be tested for
- the information CAA requires under the 2023 Act requirement to notify the Director of any non-negative results, refusal to consent or tampering
- renewal and amending drug and alcohol management plans
- record keeping by the DAMP operator
- routine reporting to CAA of depersonalised/agglomerated data, and
- who must ensure that the requirements under the 2023 Act and rules are complied with.

Transitional provisions are also needed, so that new applicants for aviation documents are provided for. Also, because under Part 115 *Adventure Aviation* operators are already required to have drug and alcohol programmes, amendments to Part 115 are required to dovetail the new DAMP requirement into the existing provisions.

Because much of the detail is in the 2023 Act, the rules often reference Act definitions and sections. The result is the rules are not a standalone set of requirements. The associated advisory circular will be an important reference, explaining the rule and Act requirements in one place.

2.6 Provisions in the 2023 Act that do not need rules

The following provisions in the 2023 Act do not require rules because the requirement is in the primary Act:

- testing by the Director/CAA called “Director testing” which can be random or selected on some other basis, and of any safety-sensitive worker of a DAMP operator (refer to [section 116 of the Act](#)), and

- the requirement that any person carrying out random testing for a DAMP operator, or Director testing, informs the worker of the process and their rights (including their right to refuse consent)⁴
- the definitions of safety-sensitive activities and safety-sensitive workers⁵
- a mandatory stand down for workers undertaking safety-sensitive activities if, as part of an alcohol or drug test:
 - alcohol or drugs is found above the permissible level in the drug and alcohol management plans – meaning it is not a negative result
 - a worker refuses to consent to a test, or
 - tampering is suspected
- the requirement to notify the Director/CAA when any of the circumstances requiring stand down from safety-sensitive activities occur (listed above).

Where it is relevant to the development of drug and alcohol management plans or responding to test results, guidance on these Act requirements is included in the associated advisory circular. Also, it is proposed that a rule (draft rule 99.15) support the Act requirement for notification to the Director/CAA by setting out what matters should be included in any notification.

2.7 Ability to make rules

The ability to make the rules proposed in this document is under section 43 of the Legislation Act 2019 “When powers can be exercised before commencement” and the associated Part 3, Subpart 1 of the Civil Aviation Act 2023 “Power of Minister to make rules”.

The 2023 Act comes into effect on 5 April 2025.

Section 52 of the 2023 Act allows the Minister to make rules for a range of purposes (similar to section 28 of the Civil Aviation Act 1990 (the 1990 Act)). The purpose of rules includes providing for anything that the 2023 Act says “may or must be provided for by rules”⁶ (section 52(1)(e)) which is relevant for these proposed rules.

3. What is the policy problem or opportunity?

The 2023 Act provisions require rules to give effect to them

As noted above, (refer 2.5 Why are rules needed?) civil aviation rules are required to give effect to the Act provisions. Without rules there are no participants (DAMP operators) subject to the Act’s direction.

And critically, under the section 113 definition of DAMP operator, rules are required to state the “class of persons” affected.

In addition to determining the scope of affected aviation document holders, the rules will give direction on Act processes including approval of documents and notification of alcohol and drug test results.

Any new rules need to consider the regulatory burden on the sector

The 2023 Act sets the content of drug and alcohol management plans (DAMPs) and they will need to be approved by CAA. Guidance through an advisory circular and the development of a DAMP template can help reduce the cost of producing the plans.

⁴ The required processes are the same, but set out separately for DAMP operator random testing [[subsection 115\(4\)](#)] and Director testing [[subsection 116\(3\)](#)]

⁵ An activity can be prescribed under the rules as safety-sensitive (definition section 113), but it is not mandatory.

⁶ [section 52\(1\)\(e\) Civil Aviation Act 2023](#)

One way that rules can help to reduce the cost on future DAMP operators and the CAA, is to not be overly prescriptive and to create processes that reduce the administrative workload (and costs).

Hence, the proposal involves:

- not specifying consultation requirements in rules so companies can do what works for them
- using existing reporting systems rather than creating new ones
- paying special attention to the needs of small and remote operators, and
- templates and guidance for the required plans, with the aim that approvals can be desk based, and not require site visits.

Be clear about transitional arrangements

The 2023 Act's schedule 1 (clauses 24-31) prescribes the treatment for current certificate holders that meet the criteria for being a DAMP operator. This includes a submission and approval process to CAA during the two-year transition period (5 April 2025 - 4 April 2027). If a certificate holder seeks a renewal of its operating certificate during this period its DAMP will not be considered as part of that process,⁷ but, their DAMP must still be approved during the transition period and ready to operate from 5 April 2027.

The 2023 Act is silent on the treatment of participants who are first granted a relevant certificate during the transition period (i.e., before 5 April 2027). It is proposed that such operators will need to have approved drug and alcohol plans by 5 April 2027. From 5 April 2027, new applicants for operating certificates will automatically be required to have DAMPs if they meet the DAMP operator criteria.

The rules and advisory circular need to be clear about how existing certificate holders and new applicants are treated. There also needs to be a clear transfer to a business-as-usual situation of DAMPs being part of expositions for DAMP operators.

3.1 What is the proposed approach for identifying DAMP operators?

The options for specifying who are to be DAMP operators are limited. Having no DAMP operators specified in rules would not give effect to the 2023 Act, which sets out the regime for management plans and testing. The intent of the Act was to establish the DAMP regime and increase the tools that operators and the CAA have to manage drug and alcohol use.

The scope could be:

- limited – for example just covering aircraft operators, or
- wide – covering all certificate holders involved in aircraft operations, manufacturing, aerodrome operations, design, meteorology and traffic control services who are involved in safety-sensitive activities.

Preferred option for scope

The preferred option is for DAMP operator to be those individuals or companies that hold an aviation document and are also required (under the current rules) to have safety management systems. Plus, the Act precondition applies: to be a DAMP operator the organisation must also be undertaking one or more “safety-sensitive activities” (as defined in section 113).

This scope would mean covering 15 CAR Parts and affecting around 320 entities. CAA cannot give a precise number of the companies affected, as some certificate holders may determine that they do not undertake safety-sensitive activities, so don't meet the 2023 Act precondition.

⁷ In this situation “the renewal must be decided without regard to the operator’s obligations... .. to develop and submit a DAMP” under [clause 30 of Schedule 1](#)

The proposed rules set this scope by listing the relevant certificates (aviation documents) in a new Part 99. The 15 Parts are listed in the proposed rule 99.5.

Can an organisation seek an exemption from being a DAMP operator?

The intention behind the 2023 Act indicates that no organisation with one or more safety-sensitive activities (and that is in a class identified in rules) can be exempt from the provisions.

The proposal (for consultation) is that an organisation can't seek an exemption from the primary requirement to be a DAMP operator. The key test is whether the holder of a relevant certificate has workers undertaking safety-sensitive activities. If it does, then it is considered appropriate for them to be a DAMP operator. The implications of this, set out in the 2023 Act and proposed rules, is that the chief executive of the certificate holder is accountable for developing a drug and alcohol management plan so that the organisation's safety-sensitive workers can be tested for drugs and alcohol.

4. NPRM Development

4.1 Consultation started with the bill

The key proposals are in the legislation which went through various consultative processes including an exposure draft of the bill in 2019 and a parliamentary process from September 2021 to April 2023. The relevant documents can be found from the Ministry of Transport web site⁸ [here](#).

The following are identified by the CAA as key stakeholders in the proposed rule amendments contained in this NPRM:

- the Minister of Transport
- the Ministry of Transport
- certificate holders across the Civil Aviation Rule Parts that would be DAMP operators
- those engaged and employed by future DAMP operators who would be “safety-sensitive workers” under the 2023 Act, and
- anyone involved in the aviation industry who has a personal interest in the safety of operations and alcohol or drug impairment affecting safety.

4.2 Engagement with industry involved in drug testing

In August 2023 CAA contacted a number of operators in the sector currently doing drug and alcohol testing to learn from their experience. This was helpful in developing the draft template that is in the advisory circular and developing the guidance generally.

5. Issues addressed during rule development

A few issues emerged as part of developing the proposed rules for consultation.

The primary one was the scope of effect of the 2023 Act's requirements. But there were also choices about the level of prescription in the rules.

5.1 Issue: what certificated companies should be subject to the DAMP regime?

There are primarily three options for the scope of companies:

- a) limit to air operators (ie commercial airlines, helicopters etc.) and air traffic controllers
- b) all commercial operations with Safety Management System requirements
- c) option a), but exclude sole and small operators.

Option a) may be seen as covering all the companies whose activities are most closely associated with catastrophic consequences of drug or alcohol use. However, mistakes in aircraft design, maintenance and inspection also cause safety

⁸ [Civil Aviation Bill | Ministry of Transport](#)

concerns – sometimes also catastrophic.⁹ Under option a) the scope of workers affected is not fully reflective of risk. Excluded companies (certified for manufacturing, design, flight procedures, airport operations etc.), may also have workers whose decisions and activities could result in safety concerns if they were impaired by alcohol or other drugs.

Excluding small operators (option c) would mean that a large proportion of operations, which the 2023 Act intended to cover, would be excluded. This is because of the large number of small operators in NZ. Although data on number of safety-sensitive workers is not easily obtainable, a proxy is the number of aircraft: a third of all Part 119 air operation certificate holders have only one or two aircraft (49 out of 147 operators).

It is also relevant that any companies excluded from being DAMP operators through the rules would not be subject to Director Testing under the 2023 Act (unlike the Australian system where the testing the regulator does is wide ranging).

In conclusion, option b) is the only option that fully meets the policy objectives of the Act.

Ways of mitigating the cost to small operators were considered both in the parliamentary process and as part of rules development. They include: developing models of club funding where operators “club together” to share costs; developing a template plan as an “off the shelf” model to reduce administrative costs; and CAA can also explore ways to reduce the cost of actual testing services.

5.2 Issue: should “safety-sensitive activities” be prescribed in rules?

Clarity on what is a safety-sensitive activity is important for working out who is a DAMP operator, particularly as the scope of affected aviation document holders is proposed to be wide¹⁰. It is also needed for certainty on what safety-sensitive workers are subject to the notification requirements in the Act (see part 10.7 in the associated advisory circular).

The question is where to put this advice –in rules themselves or in the associated advisory circular. Use of the advisory circular is a more flexible mechanism for giving advice to support the Act definition. It also allows for inclusion of supporting guidance material to assist compliance, particularly where a job description might span both “safety-sensitive” and “non safety-sensitive” activities depending on the operation. A partial list of activities in rules and an additional list in the advisory circular would add complexity without measurable benefits.

Having advice in the advisory circular will achieve the following objectives:

- giving more certainty to operators, individuals and CAA, by listing activities that meet the safety-sensitive activity descriptions¹¹
- identifying the workers that the 2023 Act testing regime reasonably intended to capture
- recognising the court cases that considered the scope of safety-sensitive workers emphasised that random testing (as the most intrusive of the types of alcohol and drug testing) required that the application to workers needed to specifically consider whether roles were actually safety-sensitive
- supporting a consistent approach to make oversight and administration easier, and give clarity on which individuals are subject to the Act’s Director testing, and
- allowing operators to have a different, wider scope of activities for their wider drug and alcohol policies - beyond the 2023 Act provisions – if they choose to.

⁹ The Boeing 737 MAX airliner when it was first introduced had design flaws, particularly in its flight control centre. After two crashes with the death of 346 people it was grounded. This example is not intended to illustrate that impaired workers caused deaths. Rather it simply shows that design (alongside maintenance and use) of equipment can significantly affect aircraft safety.

¹⁰ Expressed as “class of persons specified in the rules” – part (c) of “DAMP operator” definition in section 113.

¹¹ Refer sub sections (a)(i) and (ii) of definition in section 113 of the 2023 Act

6. Compliance Costs

6.1 Costs for operators

The cost of the rules for companies that come under the umbrella of DAMP operator will vary.

For some, the additional cost of becoming DAMP operators will be low and primarily involve administration and internal communications. This would be the case where an organisation already has drug and alcohol policies and testing regimes that meet (or nearly meet) the Act's requirements.

For others, the cost of set up and implementation will be significant. There will be a new and ongoing cost of testing. Although not minor, costs of conducting random testing are becoming more manageable with increasing available technology for oral fluid testing.

The select committee that considered the bill that became the Civil Aviation Act 2023, weighed up the cost of compliance against the benefit of reducing the risk of alcohol and drugs in the sector. Costs were deemed acceptable. The 2016 regulatory impact assessment reviewed the potential DAMP costs for a medium sized operator including testing and estimated set up costs of \$1965 and ongoing annual costs of \$2, 285.¹²

Factors relevant to the costs and benefits of introducing the regime include:

- the size of organisation and extent to which it is already has a drug and alcohol policy with testing
- cost of consultation, if drug and alcohol policies are new
- although there may be some economies of scale, the cost to an operator will generally be relative to the number of workers (employees and those individually contracted) and the number of actual tests
- cost of testing which is around \$40 - \$100 per test depending on the form and scope of the test (drug testing is significantly more expensive than a breath alcohol test, and a urine test is more expensive than a saliva / oral fluid test.)
- costs associated with stand-down (including while waiting for confirmation of test results), and
- the benefit of identifying unsafe practices and eliminating unsafe activities due to drug and alcohol use, or other impairment.

6.2 Other costs

Costs to the regulator (CAA) would be limited to the development of appropriate guidance material to communicate what the requirements are to regulated parties. These costs would fall within existing baselines.

6.3 Penalties

During the parliamentary process, it was decided that there would be no sanctions under the DAMP regime other than the stand-down requirements for non-negative test results, refusal to test, and suspected tampering. The drug and alcohol provisions were not designed to create a punitive system. There was no intention to criminalise drug and alcohol use. Rather, the regime was intended to empower employers to create a safer workforce, and give the users of that system assurance that appropriate measures were in place to address the risk of drug and alcohol use.

The proposal does not introduce any new penalties for drug and alcohol use. Existing provisions in legislation (across the Act and existing rules) already address the behaviour of aviation participants holding medical certificates, and situations where drug and alcohol use leads to impairment in crew and/or unsafe practices.

7. Summary of proposed changes

This section summarises the proposals – the new draft rules and transport instrument. It is in three sections:

7.1 New Part 99 Drug and Alcohol Management Plans (DAMPs)

¹² The RIS is available here [RIS Clear heads \(transport.govt.nz\)](https://www.transport.govt.nz/ris-clear-heads).

7.2 Amendments to existing Certification Parts (15 Parts affected)

7.3 Transport Instruments (a new legal tool similar to civil aviation notices)

Question boxes are used to highlight areas likely to be of particular interest.

Also refer to the draft advisory circular that, as a draft, assists the explanation of the draft rules. The advisory circular will be updated in line with any changes to the proposal to make rules.

7.1 New Part 99 Drug and Alcohol Management Plans (DAMPs)

A new Part 99 Drug and Alcohol Management Plans (DAMPs) is proposed. The draft rules are described here in groups.

New draft rule 99.1 sets the purpose of the Part – primarily giving effect to the Act. It is designed to aid the reader’s understanding of why there are rules.

Application of the Act’s drug and alcohol management regime.

New draft rule 99.3 sets out the definitions that are only used in the new Part 99. Most of the definitions are the same as those in the Act. The advisory circular will provide additional guidance, including on the definition of safety-sensitive activity and safety-sensitive worker.

New draft rule 99.5 specifies the certificates, the holding of which is one of the three requirements that identifies a DAMP operator.

The list in draft rule 99.5 of 17 certificates, affecting 15 rule Parts, reflects those companies and operations that require safety management systems.

To be considered a DAMP operator the certificate holder must also be conducting an operation that involves 1 or more safety-sensitive activities.

Any certificates that should be removed from, or added to the list in 99.5?

In your submission, please provide reasons in support.

New draft rule 99.5.(b) restricts the ability of the Director of CAA to grant an exemption. Such a rule would mean the Director would not be able to exempt an organisation from the rule that identifies them as a “class of persons specified in the rules as a DAMP operator” and therefore subject to the Act requirements (including the need to develop a drug and alcohol plan and notify the Director of non-negative tests). This restriction on the ability to get an exemption is not universal. A DAMP operator would still be able to request exemptions from rule requirements, subject to suitable grounds/justification, such as regular reporting requirements or the dates for submitting the plans to CAA.

Contents of a DAMP

New draft rule 99.7 links the requirement of the Act, for the drug and alcohol management plan to include any testable drugs listed in rules, to a future transport instrument. The new Act provides the ability for the Director to create a transport instrument. New draft rule 99.21, covered below, sets out some scope matters for transparency. The Director of CAA would be able to sign off the transport instrument (similar to the way the Director currently approves civil aviation notices) after appropriate consultation.

There are no other rules related to the content of a DAMP. The Act section 114 sets out the content, along with relevant definitions. Refer to the draft advisory circular section 7 “What must be in a DAMP” for details.

Current DAMP operators must submit DAMPs to CAA for approval

New draft rule 99.9 is a transitional rule – meaning it only has effect for a set time. It affects “current DAMP operators”.

The term “Current DAMP operator” is from the new Act. A definition is included in rule 99.3 to help readability of the rules.

The proposal for submitting DAMPs to CAA is that all those who meet the definition of DAMP operator on 5 April 2025 (meaning they are “Current DAMP operators”) submit their first drug and alcohol management plan to CAA in a staged way – two groups and two deadlines.

If you currently have a certificate listed in 99.5, and conduct safety-sensitive activities, there is an expectation that you will need to develop a drug and alcohol management plan and have it approved by 4 April 2027.

Can you meet the draft submission dates?

Refer to the draft Advisory Circular, with a DAMP template, to understand how much work would be involved.

Note: the proposal is for all new DAMPs to become operational on 5 April 2027

Because under this process DAMPs are being considered separately from any certificate renewal process, draft rule 99.9 (b) clarifies that, once approved, DAMPs are part of organisation expositions. However, if an organisation is scheduled to renew its operating certificate between 5 April 2025 and 4 April 2027 the Act specifically provides for the fact that DAMPs will not be a factor in that application.¹³

Administrative matters and responsibilities

Draft rule 99.11 allows any approved DAMP to be amended before it becomes part of the relevant exposition. This is only relevant for those companies required to submit DAMPs during the transition period. In most circumstances this rule will not be utilised due to DAMPs becoming part of expositions relatively quickly.

Draft rule 99.13 clarifies the responsibilities of the chief executive, as identified in the exposition (or equivalent document). This does not restrict the ability of other persons in the organisation being made responsible for operational matters around DAMPs, and there can still be delegations. The words ‘or other documentation’ are added to cater for Part 137 which doesn’t refer to an exposition.

Requirements to notify CAA

The requirement for notification of test results is in the Act – particularly section 117(3)¹⁴. What draft rule 99.15 adds is the detail on what needs to be included in any notifications – i.e., the proposal is DAMP operators include the date of relevant tests and the safety-sensitive activity involved. The Act section 117(3) requires that “*if a worker refuses to consent to random testing or is tested and returns a result other than a negative result, the DAMP operator must, in accordance with any requirements of the rules, notify the Director of that fact as soon as practicable.*”

As with other civil aviation rules that will be updated, specific forms will no longer be identified. Hence draft rule 99.15 (c) refers to the “approved form”.

Draft rule 99.15 (d) is to allow CAA to seek additional, but limited, information. It remains a policy that, except whether medical licences are involved, CAA will not seek the name of the worker involved.

Record Keeping

Draft rule 99.17 sets out requirements for record keeping. This is to back-up the associated rule for regular reporting to CAA. The list is designed to match the matters that will be reported under draft rule 99.19 and the associated transport instrument. Due to the sensitivity of material, security of data is emphasised in 99.17 (b). See below for more detail on transport instruments mentioned in 99.17 (c) and 99.19.

¹³ Refer [clause 30](#) of the 2023 Act - DAMP not to be considered in renewal of aviation document during transition period

¹⁴ [Section 117](#) What happens if worker refuses consent or test result is not negative

On administrative matters, there are no DAMP specific rules for consultation, identification of senior persons nor requirements for employment records.

But there are rules for what CAA requires when notified of a non-negative test result and record keeping.

Any reason that these requirements won't work?

Note rule 99.21 that deals with transport instruments is covered under 7.3 below.

7.2 Amendments to existing Certification Parts

There are 15 existing Parts that are amended under this proposal. Collectively they cover 17 certificates given to aviation participants.

The certification rules are amended by draft rule 99.23, which sets out the amendments in tabular form in an annex to the rule. For ease of reading, the individual amendments to these parts are written out in full, showing deletions and additions, in pages 28 to 59 in this NPRM.

In summary, the draft rule adds in reference to drug and alcohol plans as part of expositions and providing that these plans can be updated (similar to the ways safety management plans are updated). Plus, there is a specific amendment to Part 115.

In full the proposed changes are:

1. Adding a clause to the existing certification rules that list the documentation that must be part of the certificate holder's exposition, or equivalent document for Part 137 operators. (Refer clauses 2-4 in annex).

The clauses insert as appropriate *"if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act."*

2. Adding a clause to the existing rule that lists the changes for which the holder of the certificate must seek prior acceptance from the Director. (Refer clauses 5-6 in annex).

The clauses insert *"any DAMP, if the change is a material change"*, mirroring the clause about material changes to the system for safety management.

The intention is that administrative and minor changes do not require formal Director/CAA approval. Refer to the draft advisory circular section 10.1 for guidance.

Any reasons what the amendment process for safety management systems won't work for DAMPs too?

Is the phrase "material change" with guidance in the Advisory Circular workable?

3. A specific change to Part 115 affecting adventure aviation certificate holders or applicants. Because of the existing requirement under Part 115 that operators have a drug and alcohol management plan, a draft amendment to rule 115.62 allows the existing programme to be combined with the operators DAMP. (Refer clause 7 in annex to rule 99.23)

7.3 Transport Instruments

The proposal is to utilise the mechanism of a transport instrument with the DAMP rules. The relevant draft rules are 99.7, 99.17(c), 99.19 and 99.21. This is the first time that civil aviation rules have proposed the use of transport instruments.

What is a transport instrument?

Transport instruments are similar to existing CAA Notices. They can be updated faster than rules. The new Act allows the Director of CAA to confirm a new transport instrument, or update a transport instrument, after suitable consultation. The related rules describe where the provision of a transport instrument is relevant.

For example, draft rule 99.7 states that a future transport instrument would be the mechanism by which the Director lists drugs that a DAMP operator must test for.

Before the use of a transport instrument is proposed, it must be tested against the four criteria in Ministry of Transport guidance¹⁵. A transport instrument is assessed to see whether it:

- is non-controversial
- outlines prescriptive or detailed requirements
- allows for flexibility or innovation, and
- has a contained or minimal impact.

Transport instruments do not have to fully meet all four criteria to be supported. The assessment process assists the Minister when they make a decision to sign off a rule that proposes the use of a transport instrument.

Transport instruments proposed in DAMP rules

There are three proposed uses of transport instruments in DAMP rules. In each instance the proposal is for the Director of Civil Aviation to be able to make the instrument¹⁶. There is just one draft transport instrument that has been developed in full for consultation with the draft rules (the one for routine reporting).

The three proposal are:

Specified testable drugs- a transport instrument could (in the future) be used to require a DAMP operator to include a particular testable drug in their Drug and Alcohol Management Plan (DAMPs). No drugs are specified at the moment. [See draft rule 99.7]

DAMP Operator record keeping - a transport instrument could (in the future) set out what records a DAMP operator must keep, and how records are kept – in addition to the requirement in the rule. [See draft rule 99.17(c)]

Routine reporting to the Director [of CAA] on random testing – a transport instrument is proposed that sets out what DAMP operators must report on. The scope of the transport instrument is limited in the draft rule to requiring depersonalised information, just random testing results (not other forms of drug and alcohol testing), timeframes for reporting and the form of reporting. [See draft rule 99.19 and draft Civil Aviation Transport (Drug and Alcohol Management Plan: reporting to the Director) Instrument on page 60.]

Assessment of proposed transport instruments against criteria

None of the three transport instrument proposals scored in the negative against any of the four criteria. Scores were neutral or positive.

The analysis generally supports progressing the proposal to use transport instruments in the DAMP rules.

Proposed transport instrument for routine reporting

This NPRM includes one draft transport instrument. The Director has chosen to include the draft for consultation along with the draft rules for completeness. The process of signoff of the text in a the transport instrument is separate from the Minister of Transport confirming and signing the rules.

¹⁵ Published in June 2021

¹⁶ The 2023 Act also allows for the Secretary of Transport to make a transport instrument.

The only transport instrument for consultation has a requirement for anonymised reporting from DAMP operators.

Is annual reporting appropriate - or do you prefer that it is more regular – for example quarterly?

Are there things that can't be reported? If so, why?

Refer to page 60 in this document.

Note: If, in the future, the Director or CAA proposes transport instruments (for testable drugs or matters to keep records on) that instrument will be separately consulted on as required by the Act.

Any other matters you want to tell us about?

8. Legislative analysis

8.1 Power to make rules

The ability to make the rules proposed in this document is under section [section 43](#) of the Legislation Act 2019 “When powers can be exercised before commencement” and the associated Part 3, Subpart 1 of the Civil Aviation Act 2023 “Power of Minister to make rules”.¹⁷

The Civil Aviation Act 2023 comes into effect on 5 April 2025.

[Section 52](#) of the 2023 Act allows the Minister to make rules for a range of purposes (similar to section 28 of the 1990 Act). The purpose of rules includes providing for anything that the Act says “may or must be provided for by rules”¹⁸ (section 52(1)(e)) which is relevant for these proposed rules.

Section 13 of the 2023 Act (which retains the provision of section 12 of the 1990 Act) prescribes general requirements for participants in the civil aviation system. Amongst other things, participants must carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Section 52 of the 2023 Act allows the Minister to make rules for a range of purposes (in the same way as was provided for by section 28 of the 1990 Act, noting some wording changes). The purposes include:

- regulating aviation participants, aircraft, aeronautical products, and aviation places, and people and things carried, or to be carried, in aircraft:
- regulating people, activities, and things in relation to the safety and security of civil aviation:
- regulating the effect or potential effect of civil aviation on people, activities, and things:
- providing for the implementation of New Zealand’s obligations under the Convention¹⁹:
- providing for anything the Act says may or must be provided for by rules: and
- providing for anything incidental that is necessary for carrying out, or giving full effect to, the Act.

¹⁷ It has been clarified by Parliamentary Counsel Office that this is the appropriate mechanism. The transitional provisions of the 2023 Act (refer [Schedule 1, clause 8](#)) provide a way of remaking the existing rules. Section 43 is relied on for substantive changes to rules.

¹⁸ [section 52\(1\)\(e\) Civil Aviation Act 2023](#)

¹⁹ Convention on International Civil Aviation 1944, sometimes called the “Chicago Convention”. New Zealand was one of the original signatories to the Convention and is an active member of the International Civil Aviation Organization (ICAO), set up by the Convention.

8.2 Matters to be taken into account

The development of this NPRM and the proposed rule changes considers the matters under section 61(2) and section 72 of the Civil Aviation Act 2023 that are part of the procedure for making rules.

Before making a rule the Minister must:

- be satisfied that the rule will, to the extent that is practicable, facilitate conformity with the applicable standards of ICAO²⁰ relating to aviation safety and security (section 61(2)(a))²¹; and
- be satisfied that the rule is not inconsistent with New Zealand’s international obligations relating to aviation safety and security (section 61(2)(b)); and
- have regard to, and give weight to, as they consider appropriate, the following criteria (refer section 61(2)(b) and [section 72 \(a\) to \(h\)](#)).

(a) the main and additional purposes of this Act:

The main purpose is a safe and secure civil aviation system. [\(section 3\)](#).

The additional purposes are:

- (a) to maintain, enhance, and promote a transport system that contributes to environmental sustainability, economic prosperity, inclusive access, healthy and safe people, and resilience and security:
- (b) to promote innovation, effectiveness, and efficiency in civil aviation:
- (c) to ensure that New Zealand’s obligations under international civil aviation conventions, agreements, and understandings are implemented:
- (d) to preserve New Zealand’s national security and national interests:
- (e) to take into account the adverse effects of civil aviation on the interests of people, property, and the environment. [\(section 4\)](#).

(b) the recommended practices of ICAO relating to aviation safety and security:

(c) the level of risk existing to aviation safety in each proposed activity or service:

(d) the nature of the activity or service for which the rule is being established:

(e) the level of risk existing to aviation safety and security in New Zealand in general:

(f) the need to maintain and improve aviation safety and security, including (but not limited to) personal security:

(g) the costs of implementing measures for which the rule is being proposed:

(h) the international circumstances in respect of—

(i) aviation safety and security; and

(ii) mutual recognition of safety certifications in accordance with the ANZA mutual recognition agreements:

- any other matters they consider appropriate in the circumstances (section .72 (i))

²⁰ International Civil Aviation Organization

²¹ The requirement to not be inconsistent with ICAO standards in Section 33(1) 1990 Act is lessened in the section 61(2) 2023 Act.

The assessment against the matters to be taken account is below, with comment on relevant ICAO standards and practices and the 2023 Act purposes.

ICAO Standards and Recommended Practices and Consistency with international policies and practice

New Zealand’s international obligations and relationship with ICAO standards were considered as part of the parliamentary process leading up to the 2023 royal assent.

ICAO emphasises the importance of managing drugs and alcohol as part of considering human factors in many of its circulars. Its Annex 19 Safety Management focuses on establishing safety systems and led to the requirements in Civil Aviation Rules Part 100 *Safety Management*.

The draft rules conform with the focus of ICAO’s Annex 19. The drug and alcohol management plan and testing regime, which the rules give effect to, support and align with the overall aviation safety management system set out in Part 100. The requirement for DAMPs would also help support compliance with ICAO’s Recommended Practices that target use of psychoactive substances and problematic use of substances by licence holders²². To date, Civil Aviation Rules 19.7 and 65.29 have been the primary means by which consistency with these ICAO standards are reflected in national legislation.²³The DAMP regime supports the need to prevent crew members and air traffic controllers doing safety-critical functions²⁴if they engage in any form of problematic use of substances. But, the regime also has an extended scope to include other safety-sensitive activities such as maintenance, aerodrome operations, training, design and manufacturing.

In summary, the rules are not inconsistent with New Zealand’s international obligations relating to aviation safety and security. A focus on drug and alcohol management recognises the nature of the aviation industry, the vulnerability of safety-sensitive activities to impairment and the benefit to safety of practices that target substance abuse.

Giving weight to the Act’s purpose and additional purposes

The parliamentary process considered a range of factors affected by the bill proposals for drug and alcohol management and testing.

Introducing rules that implement that Act’s alcohol and drug testing regime, broadly across participants in the aviation sector, strongly supports the Act’s purpose of a safe and secure aviation system. It recognises that impairment from alcohol and drugs can impact safety across the sector – from design, maintenance and safety checks to flight operations and landing.

As to additional purposes on the Act, the matters that should be given weight as they are particularly relevant to the testing regime are:

- (a) to maintain, enhance, and promote a transport system that contributes to economic prosperity, healthy and safe people.
- (b) to promote innovation, effectiveness, and efficiency in civil aviation:
- (c) to preserve New Zealand’s national security and national interests:

The rules potentially affect economic prosperity both at an individual organisational level and at a national level. There is a recognised cost of implementing the regime (covered above in section 6.1). From a reputational point of view, domestically and internationally, there are benefits of New Zealand showing that drug and alcohol concerns and risks are taken seriously. It supports our national interests, including tourist and commercial enterprises that use aviation services.

The rules do not prescribe how an individual organisation should undertake random testing. Nor do they list safety-sensitive activities or drugs to be tested. This positively supports the need to be responsive to current and changing

²² Respectively standards 1.2.7.1 and 1.2.7.2 in Annex 1.

²³ Rule 19.7 Intoxicating liquor and drugs states “*No crew member while acting in his or her official capacity shall be in a state of intoxication or in a state of health in which his or her capacity so to act would be impaired by reason of his or her having consumed or used any intoxicant, sedative, narcotic, or stimulant drug or preparation.*” There is also rule 65.29 Offences involving alcohol or drugs –for licenced air traffic controllers.

²⁴ The ICAO standards use the terms “safety-critical functions” in recommendation 1.2.7.3 while the DAMP regime in the 2023 Act uses “safety-sensitive activities”. But, they are essentially describing the same issue of safety.

knowledge about drugs and alcohol, and innovation in the industry. This could promote systems and procedures that are effective and efficient in reducing the risks of alcohol and drug impairment.

The proposed rules will have a neutral or minor impact on maintaining, enhancing and promoting environmental sustainability, inclusive access, resilience and security.

8.3 Incorporation by reference

There are no matters incorporated by reference in the proposed rules. New Zealand standards for testing of urine and oral fluid/saliva [respectively AS/NZS 4308 and AS/NZS 4760] are included in the draft transport instrument for the Director's approval.

8.4 Civil Aviation (Offences) Regulations

There are no additional offences associated with these proposed new rules.

9. Submissions on the NPRM

9.1 Submissions are invited

Interested persons are invited to make submissions on the draft rules, providing views or comments. All submissions will be considered before final action on the rules is taken. If there is a need to make significant changes to the rules in this proposal, following submissions, CAA would re-advertise the change and invite further submissions.

9.2 Examination of submissions

All submissions will be available for examination by interested persons both before and after the closing date for submissions. A consultation summary of the submissions, the CAA responses and proposed changes to the final draft rules will be published on the CAA web site.

Submissions may be examined by appointment with the Docket Clerk during business hours on weekdays, except statutory holidays. Appointments to examine submissions are to be arranged by phone or email docket@caa.govt.nz.

9.3 Official Information Act

Submitters should note that subject to the Official Information Act 1982 any information attached to submissions will become part of the docket file and will be available to the public for examination.

Submitters should state clearly if there is any information in their submission that is commercially sensitive or for some other reason the submitter does not want the information to be released to other interested parties. The CAA will consider this in making a decision in respect of any Official Information Act requests. It should be noted that the CAA cannot guarantee confidentiality in respect of any specific submissions.

9.4 How to make a submission

A submission response sheet may be downloaded from our website and sent by the following methods:

e-mail: docket@caa.govt.nz and marked NPRM 24-02

by mail: Docket Clerk (NPRM 24/CAR/02)
Civil Aviation Authority
PO Box 3555
Wellington 6140
New Zealand

9.5 Final date for submissions

The closing date is Friday 10 May 2024.

9.6 Availability of the NPRM:

Any person may obtain a copy of this NPRM from–

The CAA web site: www.aviation.govt.nz, specifically [NPRMs open for submission | aviation.govt.nz](http://www.aviation.govt.nz/nprms-open-for-submission)

Or by phoning CAA: +64-4-560 9640 (quoting NPRM 24-02) or emailing docket@caa.govt.nz

New Proposed Civil Aviation Rules for Drug and Alcohol Management Plans

Recitals, words of enactment, and entry into force to be added (5 April 2025)

[Note: Except for Part 99, which is all new, inserted texts in existing Parts are shaded, deleted texts are struck through and shaded]

New Part 99: Drug and Alcohol Management Plans (DAMPs)

Drug and Alcohol Management Plans (DAMPs)

99.1 Purpose

This Part gives effect to the provisions of the Act relating to drug and alcohol management plans by identifying DAMP operators, by influencing the scope of DAMPs, and by prescribing notification and reporting obligations and other administrative and transitional matters.

99.3 Definitions

In this Part -

Act means the Civil Aviation Act 2023:

DAMP has the meaning given in section 113 of the Act:

DAMP operator has the meaning given in rule 99.5:

current DAMP operator means a person who is a DAMP operator on 5 April 2025. This definition expires on 6 April 2028:

licence holder has the meaning given in clause 1 of Schedule 2 of the Act:

negative result has the meaning given in section 113 of the Act:

random testing has the meaning given in section 113 of the Act:

safety-sensitive activity has the meaning given in section 113 of the Act:

safety-sensitive worker has the meaning given in section 113 of the Act:

testable drug has the meaning given in section 113 of the Act:

transport instrument means an instrument made by the Director under section 431, and includes an instrument yet to be made, and any instrument as amended or replaced from time to time.

99.5 Who is a DAMP operator

(a) A person who holds any of these certificates and meets the other conditions in section 113 of the Act is a DAMP operator:

- (1) an adventure aviation operator certificate issued under rule 115.9:
- (2) an airline air operator certificate issued under rule 119.11(a):
- (3) a general aviation air operator certificate issued under rule 119.11(b):

- (4) an agricultural aircraft operator certificate issued under rule 137.153:
 - (5) an aerodrome operator certificate granted under rule 139.9:
 - (6) a qualifying aerodrome operator certificate granted under rule 139.9:
 - (7) an aviation security service certificate issued under rule 140.9:
 - (8) a standard aviation training organisation certificate granted under rule 141.5(a):
 - (9) a maintenance organisation certificate issued under rule 145.9:
 - (10) an aircraft design organisation certificate granted under rule 146.9:
 - (11) a maintenance training organisation certificate granted under rule 147.35:
 - (12) a manufacturing organisation certificate granted under rule 148.9:
 - (13) an aeronautical telecommunication service certificate issued under rule 171.9:
 - (14) an air traffic service certificate granted under rule 172.9:
 - (15) an instrument flight procedure service certificate granted under rule 173.9:
 - (16) a meteorological service certificate granted under rule 174.9:
 - (17) an aeronautical information service certificate issued under rule 175.7.
- (b) The Director may not grant an exemption under section 322(1) of the Act to exclude a person entirely from the requirements that result from them being a DAMP operator.
- (c) Despite rule 99.5 (a) a person who is:
- (1) not a current DAMP operator and
 - (2) between 5 April 2025 and 4 April 2027 receives a certificate listed in rule 99.5 (a)
- does not become a DAMP operator until 5 April 2027.
- (d) Rule 99.5 (c) and this rule expire on 5 April 2027.

99.7 Specified testable drugs to be included in a DAMP

In addition to the requirements in section 114 of the Act, a DAMP operator must ensure that the testable drugs include any drugs specified in a transport instrument.

99.9 Deadline for current DAMP operators to submit a DAMP for approval

- (a) The date before which a current DAMP operator must submit a DAMP to the Director for approval (see clause 26 of Schedule 1 of the Act) is:
- (1) for an operator who holds a certificate in the first column in the table, 1 October 2025
 - (2) for an operator who holds a certificate in the second column in the table, 1 July 2026
 - (3) for an operator who holds a certificate in both columns, 1 October 2025.

DAMP to be submitted before 1 October 2025	DAMP to be submitted before 1 July 2026
an adventure aviation operator certificate (Part 115)	
an airline air operator certificate to conduct operations in accordance with Part 121 or 125 (Part 119)	an airline air operator certificate to conduct operations in accordance with Part 135 (Part 119)
	a general aviation air operator certificate (Part 119)
	an agricultural aircraft operator certificate (Part 137)
an aerodrome operator certificate for an aerodrome designated as a Tier 1 security designated aerodrome under section 120(1)(a) of the Act (Part 139)	an aerodrome operator certificate for an aerodrome that is not designated as a Tier 1 security designated aerodrome (Part 139)
	a qualifying aerodrome operator certificate (Part 139)
	a standard aviation training organisation certificate (Part 141)
a maintenance organisation certificate to maintain any aircraft carrying out operations specified in rule 121.1 or 125.1, or to maintain any component of those aircraft (Part 145)	any other maintenance organisation certificate (Part 145)
	an aircraft design organisation certificate (Part 146)
	a maintenance training organisation certificate (Part 147)
	a manufacturing organisation certificate (Part 148)
an aeronautical telecommunication service certificate (Part 171)	
an air traffic service certificate (Part 172)	
an instrument flight procedure service certificate (Part 173)	
	a meteorological service certificate (Part 174)
an aeronautical information service certificate (Part 175)	

(b) A DAMP that the Director has approved becomes part of the relevant exposition on the implementation date specified in the Director's approval (see clause 27(2) of Schedule 1 of the Act).

(c) This rule expires on 6 April 2028.

99.11 How a DAMP can be amended before becoming part of an exposition

(a) A current DAMP operator may amend an approved DAMP before it becomes part of the relevant exposition by following the procedure for amending their system for safety management.

(b) This rule expires on 6 April 2028.

99.13 Chief executive is responsible for meeting all DAMP obligations

The person identified as the chief executive in the relevant exposition or other documentation must ensure that the DAMP operator complies with all obligations under this Part and under the Act.

99.15 Notification if a test result is not negative, or of refusal to consent to testing or suspected tampering

- (a) This rule applies where a DAMP operator makes a notification to the Director under section 117(3) of the Act, including a notification of suspected tampering (see section 118)
- (b) The notification must state:
 - (1) whether the notification concerns a result which was not negative, refusal to consent to testing, or suspected tampering
 - (2) the date of the test, refusal or suspected tampering
 - (3) the date the DAMP operator became aware of the result of the test, the refusal or the suspected tampering
 - (4) whether alcohol or a drug was detected and, if a drug, which drug
 - (5) the safety-sensitive activity which the individual performs
 - (6) a contact person at the DAMP operator, and their contact details, if different from the person and contact details in the exposition or other relevant documentation
 - (7) if the individual is a licence holder, the individual's name and individual client number.
- (c) The DAMP operator must make the notification using the approved form.
- (d) The DAMP operator must supply to the Director any clarification or further detail that the Director reasonably requests.

99.17 DAMP operator to keep records

- (a) A DAMP operator must ensure that a record is kept of all random testing, specifying:
 - (1) the name of the worker
 - (2) the relevant safety-sensitive activity
 - (3) the time and date of the test, and when the DAMP operator received the results
 - (4) the results of the test (or that the worker refused to consent)
 - (5) whether tampering was suspected and if so why.
- (b) The DAMP operator must ensure that the record is kept in a secure location and retained for at least 5 years from the date of testing.
- (c) The DAMP operator must also comply with the requirements in a transport instrument specifying what records a DAMP operator must ensure are kept, and how records must be kept.

99.19 Routine reporting to the Director on random testing

A DAMP operator must comply with the requirements in a transport instrument specifying depersonalised information on random testing that a DAMP operator must report to the Director, and the time and form of that reporting.

99.21 Transport instruments specifying testable drugs, record keeping and reporting

- (a) A transport instrument made for the purposes of this Part may impose different obligations on different classes, including by reference to categories of certificate holder, size of DAMP operator, safety-sensitive activity or safety-sensitive worker.
- (b) Before making a transport instrument the Director must have regard to relevant international standards, guidance and practice.
- (c) The transport instrument must specify dates for compliance.
- (d) The Director may amend or replace a transport instrument from time to time.
- (e) A transport instrument is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

99.23 Amendments to other Parts

- (a) Other rule Parts are amended as set out in the Annex.
-

Annex to Rule 99.23

1. The amendments in clauses 2-7 below take effect on 5 April 2025, and then this Annex and rule 99.23 expire.
2. The following new sub-paragraph is inserted in the places set out in clause 3 below:
"(X) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act."
3. The sub-paragraph is inserted immediately after the following rules, and numbered as the next available number in the sequence in accordance with Table 1: -:

Table 1

Inserted immediately after rule	Numbered as rule (X =)
115.79(a)(1A)	115.79(a)(1B)
119.81(a)(1A)	119.81(a)(1B)
119.125 (a)(1A)	119.125 (a)(1B)
139.77(a)(1A)	139.77(a)(1B)
139.417(a)(1A)	139.417(a)(1B)
140.61(1)	140.61(1A)
141.63(a)(1A)	141.63(a)(1B)
145.67(a)(1A)	145.67(a)(1B)
146.67(a)(1A)	146.67(a)(1B)
147.23(a)(2)	147.23(a)(2A)
148.67(a)(1A)	148.67(a)(1B)
171.77(a)(1A)	171.77(a)(1B)
172.125(a)(1A)	172.125(a)(1B)
173.71(a)(1A)	173.71(a)(1B)
174.79(a)(1A)	174.79(a)(1B)
175.69(a)(1A)	175.69(a)(1B)

4. The following rule is inserted after rule 137.160:

"137.161 Agricultural Aircraft Operator DAMP

If a DAMP is required (see rule 99.5 and section 114 of the Act) an applicant for an agricultural aircraft operator certificate must provide the Director with a document meeting the requirements of Part 99 and of the Act."

5. The following new sub-paragraph is inserted in the places set in clause 6 below:

“(X) any DAMP, if the change is a material change.”

6. The sub-paragraph is inserted immediately after the following rules, and numbered as the next available number in the sequence in accordance with Table 2:

Table 2

Inserted immediately after rule	Numbered as rule (X =)
115.109(b)(5)	115.109(b)(5A)
119.165(b)(5)	119.165(b)(6) (replacing “[revoked]”)
137.209(2)(ii)	137.209(2)(iii)
139.127(d)(3)	139.127(d)(4)
139.455(d)(3)	139.455(d)(4)
140.103(b)(5)	140.103(b)(6)
141.103(d)(5)	141.103(d)(6)
145.105(d)(7)	145.105(d)(8)
146.105(d)(5)	146.105(d)(6)
147.25(b)(6)	147.25(b)(7)
148.105(d)(8)	148.105(d)(9)
171.115(b)(5)	171.115(b)(6)
172.161(d)(4)	172.161(d)(5)
173.103(b)(4)	173.103(b)(5)
174.109(d)(5)	174.109(d)(6)
175.109(d)(5)	175.109(d)(6)

7. Rule 115.62 is replaced with:

“115.62 Drug and alcohol programme

- (a) *An applicant for an adventure aviation operator certificate must establish a drug and alcohol programme for monitoring and managing the risks relating to the use of any drug, or consumption of alcohol by— (1) any crew member; (2) a tandem master; (3) a ground crew member; (4) any other person whose work directly affects the safety of an adventure aviation operation.*
- (b) *This programme may be combined with the operator’s DAMP (see rule 99.5 and section 114).”*

Note: although it looks like a big change to rule 115.62, it is primarily cosmetic. See page 28 for comparison with the current rule. The main change is the addition of (b).

Consequential changes to existing certification Rule Parts

The following changes to 15 Rule Parts occur due to draft rule 99.23 and the related Annex.

Inserted texts in existing Parts are shaded, deleted texts are ~~struck through and shaded~~

Part 115 Adventure Aviation Certification and Operations

115.62 Drug and alcohol programme

~~An applicant for an adventure aviation operator certificate must establish a drug and alcohol programme for monitoring and managing the risks relating to the use of any drug, or consumption of alcohol by—~~

- ~~(a) any crew member;~~
- ~~(b) a tandem master;~~
- ~~(c) a ground crew member;~~
- ~~(d) any other person whose work directly affects the safety of an adventure aviation operation.~~

(a) An applicant for an adventure aviation operator certificate must establish a drug and alcohol programme for monitoring and managing the risks relating to the use of any drug, or consumption of alcohol by— (1) any crew member: (2) a tandem master: (3) a ground crew member: (4) any other person whose work directly affects the safety of an adventure aviation operation.

(b) This programme may be combined with the operator's DAMP (see rule 99.5 and section 114).

115.79 Adventure aviation operator exposition

(a) An applicant for the grant of an adventure aviation 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 adventure aviation organisation and demonstrate its means and methods for ensuring ongoing compliance with the requirements prescribed in 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 115.77,—

- (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 adventure aviation operator certificate, an implementation plan that describes how the system for safety management will be implemented; and

~~(1B) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act.~~

(2) the titles and names of the senior persons required by rules 115.51(a)(1) and (2); and

(3) the duties and responsibilities of the senior persons required by rules 115.51(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) if appropriate, an organisation chart showing lines of responsibility of the senior persons required by rules 115.51(a)(1) and (2) and extending to each location referred to in paragraph (5); and

- (5) details of the principal place of operation and the main maintenance base; and
- (5A) information identifying the lines of safety responsibility within the organisation; and
- (6) details of the applicant's procedures required by this Part; and
- (7) details of—
 - (i) the maintenance procedures required by rules 115.59 and 115.61; and
 - (ii) the maintenance programme required by rule 115.61; and
 - (iii) every maintenance organisation that performs maintenance on the applicant's aircraft; and
- (8) details of—
 - (i) the drug and alcohol programme required by rule 115.62; and
 - (ii) the means by which the applicant will ensure that, as required by rule 115.231, an adventure aviation operation does not take place if, in the opinion of the applicant, any of the persons referred to in rule 115.62 is impaired; and Civil Aviation Rules Part 115 CAA Consolidation 1 December 2020 24 CAA of NZ
- (9) details of—
 - (i) the scheme for regulation and recording of flight and duty times required by Subpart G; and
 - (ii) the briefing or training to be provided to each passenger in the safety and emergency procedures applicable to the type of adventure aviation operation to be performed; and
 - (iii) the emergency situation action plans required by rule 115.209; and
 - (iv) the flight crew and ground crew training programme required by Subpart E; and
 - (v) the crew member and ground crew competency assessment programme required by Subpart F; and
- (10) details of the programmes required, as appropriate, by this Part; and
- (11) procedures for controlling, amending, and distributing the exposition.

(b) The applicant's exposition must be acceptable to the Director.

115.109 Changes to certificate holder's organisation

- (a) A holder of an adventure aviation operator certificate must—
 - (1) ensure that the exposition required by rule 115.79 is amended—
 - (i) so that it remains a current description of the certificate holder's organisation; and
 - (ii) to ensure continued compliance with the applicable requirements prescribed in the Part or any other Part; and
 - (2) ensure that any amendment made to its exposition meets the applicable requirements of this Part 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) amend its exposition as the Director considers necessary in the interests of aviation safety
- (b) Before a holder of an adventure aviation operator certificate changes any of the following, prior acceptance by the Director is required:
 - (1) the chief executive:
 - (2) the title or name of any senior person referred to in rule 115.79(a)(2):

- (3) the locations referred to in rule 115.79(a)(5), from which the certificate holder conducts adventure aviation operations:
- (4) the scope of the certificate holder's certificate
- (5) the system for safety management, if the change is a material change:
- (5A) any DAMP, if the change is a material change:
- (6) the maintenance programme required by rule 115.61:
- (7) any contractor carrying out the certificate holder's maintenance:
- (8) the scheme for regulation of flight and duty time required by rule 115.401:
- (c) The Director may impose conditions under which the holder of the adventure aviation operator certificate must operate during or following any change specified in paragraph (b).
- (d) The certificate holder must comply with any condition imposed by the Director under paragraph (c).
- (e) If any change referred to in paragraph (b) requires an amendment to the certificate or the operations specifications, the certificate holder must forward the certificate or the operations specifications to the Director for endorsement of the change as soon as practicable.

Part 119 Air operator Certification

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
 - (1B) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; 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 for controlling, amending, and distributing the exposition.

(b) The applicant's exposition must be acceptable to the Director.

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
 - (1B) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; 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 for controlling, amending, and distributing the exposition.

(b) The applicant's exposition must be acceptable to the Director.

119.165 Changes to certificate holder's organisation

- (a) A holder of an air operator certificate must—
 - (1) ensure that the 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) ~~any~~ DAMP, if the change is a material change.
 - (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]*

Part 137 Agricultural Aircraft Operations

137.161 Agricultural Aircraft Operator DAMP

If a DAMP is required (see rule 99.5 and section 114 of the Act) an applicant for an agricultural aircraft operator certificate must provide the Director with a document meeting the requirements of Part 99 and of the Act.”

137.209 Changes to operations

A holder of an agricultural aircraft operator certificate must—

- (1) notify the Director in writing of any change that affects the currency of any information required by form CAA 24137/01; and
- (2) obtain prior acceptance from the Director before changing—
 - (i) the chief executive or any person referred to in rule 137.153(2);
 - (ii) the system for safety management, if the change is a material change;
 - (iii) any DAMP, if the change is a material change.

Part 139 Aerodromes Certification, Operation and Use

139.77 Aerodrome certification exposition

(a) An applicant for the grant of an aerodrome operator certificate must provide the Director with an exposition which must contain—

- (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 organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) are to be complied with at all times; and

(1A) in relation to the system for safety management required by rule 139.75,—

- (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 aerodrome operator certificate, an implementation plan that describes how the system for safety management will be implemented; and

(1B) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; and

- (2) the titles and names of the senior person or persons required by rules 139.55(a)(1) and (2); and
- (3) the duties and responsibilities of the senior person or persons required by rules 139.55(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 139.55(a)(1) and (2); and
 - (5) any limitations on the use of the aerodrome established under rule 139.53; and
 - (6) each current exemption granted to the applicant from the requirements of Subparts A, B, C, or D; and
 - (6A) information identifying the lines of safety responsibility within the organisation; and
 - (7) the aerodrome emergency plan required by rule 139.57; and
 - (8) a statement of the aerodrome category for rescue and firefighting determined under rule 139.59 with a description of the extinguishing agents, vehicles and discrete communication system required by rules 139.61 139.63 and 139.67A, the procedures and personnel required by rule 139.65 and the procedures required by rules 139.111(c)(2) and (3); and
 - (9) a description of the safeguards for public protection required by rule 139.69; and
 - (10) the environmental management programme when required by rule 139.71; and
 - (11) the procedures required by rule 139.73 for the notification of aerodrome data and information; and
 - (12) [revoked]
 - (12A) the procedures required by rule 139.76 for the collection and reporting of traffic movement data; and
 - (13) the aerodrome maintenance programme required by rule 139.103; and
 - (14) the procedures required by rule 139.105 for the preventive maintenance and checking of the aerodrome visual aids for navigation; and
 - (15) the procedures and precautions required by rule 139.76A for any works on the aerodrome; and
 - (16) [revoked]
 - (17) the aerodrome inspection programme, procedures and reporting system required by rule 139.117; and
 - (18) the procedures required by rule 139.119 for the control of ground vehicles; and
 - (19) the procedures required by rule 139.125 for limiting aircraft operations if an unsafe aerodrome condition occurs; and
 - (19A) the procedures required by rule 139.76B(2) for management and control of documents necessary for the provision and operation of the aerodrome; and
 - (20) a description of measures taken to comply with the security requirements in Subpart D, including details of the security awareness programme and the procedures required by rules 139.203(d)(8) and (9); and
 - (21) the security training programme required by rule 139.205(c); and
 - (22) procedures for controlling, amending and distributing the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

139.127 Changes to certificate holder's organization

- (a) A holder of an aerodrome operator certificate must ensure that the exposition is amended so that it remains a current description of the aerodrome and its associated plans, programmes, services, systems, procedures, and facilities.
- (b) The certificate holder must ensure that any amendment made to its exposition meets the applicable requirements of this Part and complies 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 by the Director is required:
- (1) the chief executive;
 - (2) the listed senior persons;
 - (3) the system for safety management, if the change is a material change;
 - (4) any DAMP, 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 specified in paragraph (d).
- (f) The certificate holder must comply with any conditions imposed by the Director under paragraph (e).
- (g) If any change referred to in this rule requires an amendment to the aerodrome operator certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.
- (h) The certificate holder must make such amendments to the holder's exposition as the Director may consider necessary in the interests of safety.

139.417 Qualifying aerodrome operator exposition

- (a) An applicant for the grant of a qualifying aerodrome operator certificate must provide the Director with an exposition which must contain—
- (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 organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) is to be complied with at all times; and
 - (1A) in relation to the system for safety management required by rule 139.409,—
 - (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 qualifying aerodrome operator certificate, an implementation plan that describes how the system for safety management will be implemented; and
 - (1B) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; and
 - (2) the titles and names of the senior person or persons required by rules 139.401(a)(1) and (2); and
 - (3) the duties and responsibilities of the senior person or persons required by rules 139.401(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 applicable, an organisation chart showing lines of responsibility of the senior person or persons required by rules 139.401(a)(1) and (2); and
 - (5) any limitations on the use of the aerodrome established under rule 139.403; and
 - (6) a description of the safeguards for public protection required by rule 139.405; and
 - (6A) information identifying the lines of safety responsibility within the organisation; and
 - (7) the procedures required by rule 139.407 for the notification of aerodrome data and information; and
 - (8) *[revoked]*

- (9) the procedures required by rule 139.411 for the collection and reporting of traffic movement data: and
 - (10) the procedures and precautions required by rule 139.413 for any works on the aerodrome; and
 - (11) the procedures required by rule 139.415(2) for management and control of documents necessary for the provision and operation of the aerodrome; and
 - (12) procedures for controlling, amending, and distributing the exposition.
- (b) The exposition must, in addition to the matters specified in paragraph (a), include any requirements or procedures that are necessary to manage risks relating to any of the following matters that have been identified in the aeronautical study required by rule 139.21:
- (1) aerodrome design requirements including physical characteristics, obstacle limitation surfaces, visual aids, equipment and installations, and runway end safety areas:
 - (2) aerodrome emergency plan:
 - (3) rescue and firefighting:
 - (4) wildlife hazard management:
 - (5) aerodrome maintenance:
 - (6) visual aids for navigation – maintenance and checking:
 - (7) aerodrome air traffic services:
 - (8) apron management services:
 - (9) aerodrome inspection programme:
 - (10) ground vehicles:
 - (11) protection of navigation aids and ATS facilities:
 - (12) aerodrome condition notification.
- (c) An exposition required under this subpart may adopt, by reference, a requirement in Subparts B and C for the purpose of mitigating or managing a risk identified in the aeronautical study required by rule 139.21 or rule 139.457.
- (d) The applicant's exposition must be acceptable to the Director.

139.455 Changes to certificate holder's organization

- (a) A holder of a qualifying aerodrome operator certificate must ensure that the exposition is amended so that it remains a current description of the aerodrome and its associated plans, programmes, services, systems, procedures, and facilities.
- (b) The certificate holder must ensure that any amendment made to its exposition meets the applicable requirements of this Part and complies 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 by the Director is required:
- (1) the chief executive:
 - (2) the listed senior persons:
 - (3) the system for safety management, if the change is a material change;
 - (4) any DAMP, 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 specified in paragraph (d).

- (f) The certificate holder must comply with any conditions imposed by the Director under paragraph (e).
- (g) If any change referred to in this rule requires an amendment to the qualifying aerodrome operator certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.
- (h) The certificate holder must make such amendments to the holder's exposition as the Director may consider necessary in the interests of safety.

Part 140 Aviation Security Service Organisations - Certification

140.61 Organisation exposition

(a) An applicant for the grant of a standard aviation security service certificate must provide the Director with an exposition that contains—

- (1) a statement signed by the Chief Executive, on behalf of the organisation, confirming that the exposition—
 - (i) defines the organisation and demonstrates its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) is to be complied with by its personnel at all times; and
- (1A) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; and
- (2) the titles and names of the persons required by rule 140.51(a)(1) and (2); and
- (3) the duties and responsibilities of the persons specified in paragraph (a)(2) including matters in respect of which they deal directly with the Director on behalf of the organisation; and
- (4) an organisation chart showing associated lines of responsibility of the persons and supervisory persons specified in paragraph (a)(2); and
- (5) details of each location where the organisation intends to provide aviation security services and the facilities at each location; and
- (6) a summary of the organisation's staffing structure to be used at each location listed under paragraph (a)(5); and
- (7) details of the aviation security services to be provided at each location; and
- (8) details of the scope of the medical examination report and the method of assessment of fitness required by A.22 of Appendix A; and
- (9) details of the applicant's procedures required by—
 - (i) rule 140.53 regarding the operating procedures; and
 - (ii) rule 140.55 regarding control and distribution of aviation security documentation; and
 - (iii) rule 140.57 regarding the identification, collection, indexing, storage, and maintenance of records; and
 - (iv) rule 140.59 regarding internal quality assurance of the applicant's organisation; and
- (10) procedures for controlling, amending, and distributing the exposition; and
- (11) procedures for notifying, investigating and reporting any security incident to the Director in accordance with Part 12; and
- (12) procedures for reporting the detection of dangerous goods to the Director.

(b) An applicant's exposition must be acceptable to the Director.

140.103 Changes to the exposition

- (a) Each holder of a aviation security service certificate shall—
- (1) ensure that its exposition is amended so as to remain a current description of its organisation; and
 - (2) ensure any amendment to its exposition meets the applicable requirements of this Part; and
 - (3) comply with the amendment procedure contained in its exposition; and
 - (4) provide the Director with a copy of each amendment to its exposition as soon as practicable after the amendment is incorporated into its exposition; and
 - (5) make such amendments to its exposition as the Director may consider necessary in the interests of aviation security;
- (b) Where the certificate holder proposes to make a change to any of the following, prior application to and acceptance by the Director is required:
- (1) the chief executive;
 - (2) the listed senior persons;
 - (3) the location at which aviation security services may be provided;
 - (4) the scope for which the certificate is granted;
 - (5) the organisation's internal quality assurance system.
 - (6) any DAMP, if the change is a material change.
- (c) An application to make any of the changes specified in paragraph (b) shall be made by the certificate holder on form CAA 24140/01.
- (d) The Director may prescribe conditions during or following any of the changes specified in paragraph (b).
- (e) The certificate holder shall comply with any conditions prescribed under paragraph (d).
- (f) Where any of the changes specified in paragraph (b) requires an amendment to the certificate, the certificate holder shall forward the certificate to the Director as soon as practicable.

Part 141 Aviation Training Organisations Certification

141.63 Standard aviation training organisation exposition

- (a) An applicant for the grant of a standard aviation training organisation certificate must provide the Director with an exposition which must contain—
- (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 organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) are to be complied with at all times; and
 - (1A) in relation to the system for safety management required by rule 141.61,—
 - (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 standard aviation training organisation certificate, an implementation plan that describes how the system for safety management will be implemented; and
 - (1B) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; and

- (2) the titles and names of the senior person or persons required by rules 141.51(a)(1) and (2); and
- (3) the duties and responsibilities of the senior person or persons required by rules 141.51(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 referred to in paragraph (a)(2); and
- (4A) information identifying the lines of safety responsibility within the organisation; and
- (5) a list of the training courses and assessments to be covered by the certificate; and
- (6) the locations at which each training course or assessment will be conducted; and
- (7) the course outline and the curriculum for each of the training courses and assessments to be conducted by the organisation; and
- (8) details of the applicant's procedures required by—
 - (i) rule 141.51(b) regarding the competence of personnel; and
 - (ii) rule 141.55(b) regarding the control of documentation; and
 - (iii) rule 141.57(b) regarding training courses and assessments; and
 - (iv) rule 141.59(b) regarding records; and
 - (v) [*revoked*]
- (9) procedures for controlling, amending and distributing the exposition.

(b) The applicant's exposition must be acceptable to the Director.

141.103 Changes to certificate holder's organisation

- (a) A holder of a standard aviation training organisation certificate must ensure that the exposition is amended so as to remain a current description of the holder's organisation.
- (b) The certificate holder must ensure that any amendment made to the holder's exposition meets the applicable requirements of this Part and complies 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 by the Director is required:
 - (1) the chief executive;
 - (2) the listed senior persons;
 - (3) the locations at which training courses or assessments may be carried out;
 - (4) the training courses or assessments for which the certificate is granted;
 - (5) the system for safety management, if the change is a material change;
 - (6) any DAMP, 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 specified 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 the holder's exposition as the Director may consider necessary in the interests of aviation safety.

Part 145 Aircraft Maintenance Organisations Certification

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
- (1B) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; 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.

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;
 - (8) any DAMP, 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.

Part 146 Aircraft Design Organisations Certification

146.67 Design organisation exposition

- (a) An applicant for the grant of a design organisation 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 design organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) are to be complied with at all times; and
 - (1A) in relation to the system for safety management required by rule 146.65,—
 - (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 design organisation certificate, an implementation plan that describes how the system for safety management will be implemented; and
 - (1B) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; and
 - (2) the titles and names of the senior person or persons required by rules 146.51(a)(1),(2), and (3); and
 - (3) the duties and responsibilities of the senior person or persons required by rules 146.51(a)(1), (2), and (3), including—
 - (i) matters for which the person has the 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 146.51(a)(1), (2), and (3); and
 - (4A) information identifying the lines of safety responsibility within the organisation; and

- (5) details of all locations where the applicant conducts design activities and testing, and the facilities at those locations; and
 - (6) details of the applicant's provision of satisfactory environmental conditions at each of the locations listed under paragraph (a)(5); and
 - (7) details of the applicant's staffing structure at each of the locations listed under paragraph (a)(5); and
 - (8) a detailed description of the scope of work to be undertaken by the applicant; and
 - (9) a detailed description of the applicant's design control system; and
 - (10) details of any authorisations made by the organisation to other persons for design work and testing; and
 - (11) details of the organisation's procedures required by—
 - (i) rule 146.51(b) regarding the competence of personnel; and
 - (ii) rule 146.51(b) regarding the on-going training of personnel; and
 - (iii) rule 146.55(2) regarding the control and calibration of tools and test equipment; and
 - (iv) rule 146.55(2) regarding the confirmation of design data; and
 - (v) rule 146.59(b) regarding the operation of the design control system; and
 - (vi) rule 146.61(a) regarding the collecting, investigating, analysing, and distributing of information relating to defects and occurrences; and
 - (vii) rule 146.61(b) regarding the Instructions for Continued Airworthiness of any type certificated product they design; and
 - (viii) rule 146.63(a) regarding the identification, collection, indexing, storage, maintenance and disposal of records; and
 - (ix) rule 146.63(b) regarding the content and retention of records; and
 - (x) *[revoked]*
 - (12) procedures to control, amend, and distribute the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

146.105 Changes to certificate holder's organisation

- (a) A holder of a design organisation certificate must ensure that the exposition for the holder's organisation is amended so 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
 - (2) complies with the amendment procedures contained in its exposition.
- (c) Subject to paragraph (d), 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 by the Director is required:
 - (1) the chief executive:
 - (2) the listed senior persons:
 - (3) the scope of the design activities the certificate holder undertakes:
 - (4) the location at which work is carried out:

(5) the system for safety management, if the change is a material change;

(6) any DAMP, if the change is a material change.

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

(f) The 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 design organisation certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.

(h) The certificate holder must amend its exposition as the Director may consider necessary in the interests of aviation safety.

Part 147 Maintenance Training Organisations Certification

147.23 Organisation's exposition

(a) An organisation referred to in rule 147.3(a) must provide the Director with an exposition that includes—

(1) a statement signed by the chief executive on behalf of the organisation confirming that the exposition and any included manuals—

(i) define the organisation; and

(ii) demonstrate the organisation's means and methods for ensuring ongoing compliance with this Subpart; and

(iii) will be complied with at all times the organisation has a current certificate; and

(2) in relation to the system of safety management required by rule 147.17,—

(i) all of the documentation required by rule 100.3(b); and

(ii) for an organisation that is not applying for a renewal of a maintenance training organisation certificate, an implementation plan that describes how the system for safety management will be implemented; and

(2A) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; and

(3) the name of the chief executive referred to in rule 147.13 (a)(1); and

(4) for each senior person referred to in rule 147.13(a)(2), the senior person's—

(i) name; and

(ii) job title; and

(iii) duties and responsibilities, including matters for which the senior person has responsibility to deal directly with the Director or the Authority on behalf of the organisation; and

(iv) responsibilities for safety management; and

(5) an organisation chart showing lines of responsibility of each senior person referred to in rule 147.13(a)(2); and

(6) information that identifies the lines of safety responsibilities within the organisation; and

(7) a list of all—

(i) training courses to be conducted by the organisation; and

(ii) knowledge examinations to be conducted by the organisation; and

- (iii) practical assessments to be conducted by the organisation; and
- (8) the locations at which the organisation has its principal place of operation; and
- (9) the course outline and syllabus for each training course to be conducted by the organisation; and
- (10) details of the system for safety management required by rule 147.17; and
- (11) the organisation's procedures that are specified in—
 - (i) rule 147.13(c); and
 - (ii) rule 147.15(b); and
- (12) procedures for ensuring all knowledge examination questions—
 - (i) are protected from unauthorised access; and
 - (ii) are not removed from the organisation's facility; and
- (13) procedures for dealing with cheating during examinations; and
- (14) procedures for controlling, amending, and distributing the exposition.

(b) The exposition must be acceptable to the Director.

147.25 Changes to certificate holder's exposition

(a) An organisation referred to in rule 147.3(a) must—

- (1) ensure that the exposition is amended so that it remains a current description of the holder's organisation; and
- (2) ensure that any amendment made to the exposition—
 - (i) is compliant with the Civil Aviation Rules; and
 - (ii) complies with the amendment procedure contained in the exposition; and
- (3) provide the Director with a copy of each amendment to the exposition as soon as practicable after the amendment has been made; and
- (4) make such amendments to the exposition as the Director considers necessary in the interests of aviation safety.

(b) Before changing any of the following, an organisation referred to in rule 147.3(a) must obtain approval by the Director to make the change:

- (1) its chief executive as specified in the organisation's exposition required under rule 147.23:
- (2) the title of a senior person specified in the exposition required by rule 147.23:
- (3) the name of a senior person specified in the exposition required by rule 147.23:
- (4) the locations at which an organisation has its principal place of operation:
- (5) the scope of—
 - (i) each training course; or
 - (ii) each knowledge examination; or
 - (iii) each practical assessment:
- (6) the system for safety management, if the change is a material change;
- (7) any DAMP, if the change is a material change.

(c) To avoid doubt, an organisation referred to in rule 147.3(a) must comply with paragraph (a) when making a change referred to in paragraph (b).

Part 148 Aircraft Manufacturing Organisations Certification

148.67 Manufacturing organisation exposition

(a) An applicant for the grant of a manufacturing organisation 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 manufacturing organisation and demonstrate the organisation's means and methods for ensuring ongoing compliance with this Part; and
 - (ii) are to be complied with at all times by the organisation's personnel; and
- (1A) in relation to the system for safety management required by rule 148.65,—
 - (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 manufacturing organisation certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (1B) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; and**
- (2) the titles and names of the senior person or persons required by rules 148.51(a)(1) and (2); and
- (3) the duties and responsibilities of the senior person or persons required by rules 148.51(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) an organisation chart showing lines of responsibility of the senior person or persons required by rules 148.51(a)(1) and (2); and
- (4A) information identifying the lines of safety responsibility within the organisation; and
- (5) details of every location where the applicant's organisation carries out manufacturing activities and the facilities at those locations; and
- (6) details of the applicant's organisation staffing structure at each of the locations required to be detailed under paragraph (a)(5); and
- (7) a detailed description of the scope of work undertaken by the applicant's organisation; and
- (8) details of the applicant's facilities required by—
 - (i) rule 148.53(b)(3) regarding the provision of satisfactory storage and segregation of parts; and
 - (ii) rule 148.53(b)(4) regarding the provision of appropriate environmental conditions; and
- (9) a list of every priority part manufactured or supplied by external subcontractors or suppliers; and
- (10) evidence that the applicant's organisation holds or has applied for a type certificate or supplemental type certificate or has entered into an arrangement, as required by rule 148.57; and
- (11) details of any authorisations made by the applicant's organisation to subsidiary manufacturers; and
- (12) details of the applicant's procedures required by—

- (i) rule 148.51(b) regarding the competence assessment of personnel; and
- (ii) rule 148.51(b) regarding the maintenance of personnel competence; and
- (iii) rule 148.55(2) regarding the control and calibration of tools, jigs, process equipment, and test equipment; and
- (iv) rule 148.59(b)(1) regarding an inspection of a raw material, parts, and assemblies; and
- (v) rule 148.59(b)(2) regarding inspection of an individual part and complete assembly during manufacture; and
- (vi) rule 148.59(b)(3) regarding the subcontracting of manufacturing activities; and
- (vii) rule 148.59(b)(4) regarding a non-conforming material and part; and
- (viii) rule 148.59(b)(5) regarding a final test including, if applicable, the procedures required for the application of a special flight permit with a continuing authorisation granted under rule 21.197; and
- (ix) rule 148.59(b)(6) regarding the identification, handling, storage, and packing of an item that it manufactures; and
- (x) rules 148.59(b)(7) and (8) regarding the issue of CAA Form One and a statement of compliance; and
- (xi) rule 148.59(b)(9) regarding control and distribution of documentation; and
- (xii) rule 148.61(b) regarding the continued airworthiness of the items that it manufactures; and
- (xiii) rule 148.63 regarding the identification, collection, indexing, storage, maintenance, and disposal of a record; and
- (xiv) [*revoked*]

(13) procedures to control, amend, and distribute the exposition.

(b) The applicant's exposition must be acceptable to the Director.

148.105 Changes to certificate holder's organisation

(a) A holder of a manufacturing organisation certificate must ensure that the exposition required by rule 148.67 is amended so that it remains a current description of the organisation.

(b) The certificate holder must—

- (1) ensure that any amendment made to its exposition meets the applicable requirements of this Part; and
- (2)) complies with the amendment procedures contained in its exposition.

(c) Subject to paragraph (d), 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 by the Director is required:

- (1) the chief executive:
- (2) the listed senior persons:
- (3) the manufacturing ratings:
- (4) the supply arrangements for priority parts:
- (5) the procedures for changing the scope within a rating:
- (6) the final testing activities for which the holder utilises a special flight permit with a continuing authorisation:
- (7) the locations at which the manufacturing activities are carried out:

(8) the system for safety management, if the change is a material change;

(9) any DAMP, 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 specified in paragraph (d).

(f) The 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 manufacturing organisation certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.

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

Part 171 Aeronautical Telecommunication Services - Operation and Certification

171.77 Aeronautical telecommunication service organisation exposition

(a) An applicant for an aeronautical telecommunication service 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—

- (i) the exposition defines the organisation and demonstrates its means and methods for ensuring ongoing compliance with this Part; and
- (ii) the exposition, and all associated manuals, operating, and maintenance instructions, must be complied with by the organisation's personnel at all times; and

(1A) in relation to the system for safety management required by rule 171.73,—

- (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 aeronautical telecommunication service certificate, an implementation plan that describes how the system for safety management will be implemented; and

(1B) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; and

(2) the titles and names of the senior person or persons required by rules 171.51(a)(1) and (2); and

(3) the duties and responsibilities of the senior person or persons required by rules 171.51(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 each senior person or persons required by rules 171.51(a)(1) and (2) and covering each location listed under paragraph (a)(7); and

(5) a summary of the organisation's staffing structure at each location listed under paragraph (a)(7); and

(5A) information identifying the lines of safety responsibility within the organisation; and

(6) a list of each type of aeronautical facility to be operated under the authority of the aeronautical telecommunication service certificate; and

(7) a summary of the scope of activities at each location where the organisation's personnel are based for the purpose of providing or maintaining the types of facilities listed under paragraph (a)(6); and

- (8) a summary of the operational details of each aeronautical facility associated with each location listed under paragraph (a)(7); and
- (9) details of the security programme required under rule 171.55; and
- (10) [*revoked*]
- (11) the detailed procedures, or an outline of the procedures including information that identifies the documentation that contains the detailed procedures, that are required under—
 - (i) rules 171.51(b)(1) and (2) regarding the competence of personnel; and
 - (ii) rule 171.53(a) regarding the design, installation, and commissioning of facilities; and
 - (iii) rule 171.53(b) regarding the operation of temporary facilities for site tests; and
 - (iv) rule 171.57(b) regarding the control of documentation; and
 - (v) rule 171.59(a) regarding periodic inspections and testing of facilities; and
 - (vi) rule 171.61 regarding facility performance; and
 - (vii) rule 171.63 regarding the control, calibration, and maintenance of inspection, measuring, and test equipment; and
 - (viii) rule 171.65(a) regarding the notification of facility information; and
 - (ix) rule 171.67(a) regarding facility checks after notification of an accident or incident; and
 - (x) rule 171.69 regarding facility malfunction incidents; and
 - (xi) rule 171.71(a) regarding the identification, collection, indexing, storage, maintenance, and disposal of records; and
 - (xii) rule 171.75 regarding the communication procedures; and
- (12) detailed procedures to control, amend, and distribute the exposition.

(b) The applicant's exposition must be acceptable to the Director.

171.115 Changes to certificate holder's organisation

- (a) A holder of an aeronautical telecommunication service certificate must—
 - (1) ensure that the exposition is amended, as required, to remain a current description of the certificate holder's organisation, aeronautical telecommunication services, and facilities; and
 - (2) ensure that any amendment made to its exposition meets the applicable requirements of this Part; and
 - (3) comply with the amendment procedures contained in its exposition; and
 - (4) 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
 - (5) make such amendments to its exposition as the Director may consider necessary in the interests of aviation safety.
- (b) Before a holder of an aeronautical telecommunication service certificate changes any of the following, prior acceptance by the Director is required—
 - (1) the chief executive:
 - (2) the listed senior persons:
 - (3) the security programme:

(4) the types of aeronautical facility operated under the authority of the certificate:

(5) the system for safety management, if the change is a material change;

(6) any DAMP, if the change is a material change.

(c) An application to make any of the changes under paragraph (b) must be made by the certificate holder on form CAA 24171/01.

(d) The Director may impose any conditions, that the Director considers necessary in the interests of aviation safety, under which the holder of an aeronautical telecommunications service certificate must operate during or following any change specified in paragraph (b).

(e) The holder of an aeronautical telecommunication service certificate must comply with any conditions imposed by the Director under paragraph (d).

(f) If any of the changes under paragraph (b) requires an amendment to the aeronautical telecommunication service certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.

Part 172 Air Traffic Service Organisations Certification

172.125 Air traffic service organisation exposition

(a) An applicant for the grant of an air traffic service certificate must provide the Director with an exposition containing—....

(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 organisation and demonstrate its means and methods for ensuring ongoing compliance with this and any other applicable Part; and

(ii) are to be complied with by its personnel at all times; and

(1A) in relation to the system for safety management required by rule 172.123,—

(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 air traffic service certificate, an implementation plan that describes how the system for safety management will be implemented; and

(1B) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; and

(2) the titles and names of the senior person or persons required by rules 172.51(a)(1) and (2); and

(3) the duties and responsibilities of the senior person or persons required by rules 172.51(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 172.51(a)(1) and (2), and extending to each location listed under paragraph (a)(5)(i); and

(5) in the case of an organisation providing air traffic services from more than 1 ATS unit, a table listing—

(i) locations of ATS units; and

(ii) the aerodrome or airspace being serviced; and

- (iii) the services provided; and
- (6) details of the applicant's staffing structure for each ATS unit; and
- (7) details of procedures required by rule 172.51(b) regarding the competency, qualifications, maintenance of current operating practice, and fitness of personnel; and
- (8) details of procedures required by rule 172.53 regarding the training and assessment of ATS personnel, and regarding the qualifications of ATS training personnel; and
- (9) information identifying the lines of safety responsibility within the organisation; and
- (10) a description of the display systems to be used in meeting the requirements of rules 172.57(b)(5)(i) and 172.57(c)(2)(i); and
- (11) the information required by rule 172.59 regarding hours of service, the establishment of an air traffic service, and any transitional arrangements; and
- (12) procedures regarding shift administration required by rule 172.61; and
- (13) details of the procedures required by rule 172.63 regarding the control of documentation; and
- (14) the contingency plan required by rule 172.65; and
- (15) details of the systems and procedures required by rule 172.67 regarding co-ordination requirements; and
- (16) details of the procedures required by rule 172.69 regarding the notification of facility status; and
- (17) details of the systems and procedures required by rule 172.71 regarding general information requirements; and
- (18) details of the systems and procedures required by rule 172.73 regarding meteorological information and reporting; and
- (19) details of systems and procedures required by rule 172.75 regarding the provision of area control and approach control services; and
- (20) details of systems and procedures required by rule 172.77 regarding the provision of aerodrome control service; and
- (21) details of systems and procedures required by rule 172.79 regarding the separation of controlled flights and active special use airspace; and
- (22) details of the procedures required by rule 172.81 regarding responsibility for control; and
- (23) details of the procedures required by rule 172.83 regarding the application of priorities; and
- (24) details of the procedures required by rule 172.85 regarding flow control; and
- (25) details of the procedures required by rule 172.87 regarding ATC clearances; and
- (26) details of the procedures required by rule 172.89 regarding the allocation of cruising levels; and
- (27) details of the procedures required by rule 172.91 regarding deviations from an ATC clearance; and
- (28) details of systems and procedures required by rule 172.93 regarding the provision of flight information service; and
- (29) details of systems and procedures required by rule 172.95 regarding the provision of aerodrome flight information service; and
- (30) details of systems and procedures required by rule 172.97 regarding the provision of alerting service; and
- (31) details of the procedures required by rule 172.99 regarding the processing of flight plans; and
- (32) details of the procedures required by rule 172.101 regarding time; and

- (33) details of altimeter setting procedures required by rule 172.103; and
- (34) details of the radio and telephone procedures required by rule 172.105; and
- (35) details of the procedures required by rule 172.107 regarding the provision of radar services; and
- (36) details of the procedures required by rule 172.109 regarding aircraft emergencies and irregular operation; and
- (37) details required by rule 172.111 regarding procedures following a serious incident or accident; and
- (38) details of the procedures required by rule 172.113 regarding incidents; and
- (39) details of systems and procedures required by rule 172.115 regarding the gathering and management of records; and
- (40) details of the procedures required by rule 172.117 regarding the keeping of logbooks and position logs; and
- (41) details of the programme required by rule 172.119 regarding security arrangements; and
- (42) details of the procedures required by rule 172.121 regarding disruptions to service; and
- (43) [*revoked*]
- (44) procedures to control, amend and distribute the exposition.

(b) The applicant's exposition must be acceptable to the Director.

172.161 Changes to certificate holder's organisation

- (a) A holder of an air traffic service certificate must ensure that the holder's exposition is amended so as to remain a current description of the holder's organisation and services.
- (b) The holder of an air traffic service certificate must ensure that any amendment made to the holder's exposition—
 - (1) meets the applicable requirements of this Part; and
 - (2) complies with the amendment procedures contained in its exposition; and
- (c) The holder of an air traffic service certificate 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, except that, for the holder's operational manual or manuals, the holder must forward to the Director—
 - (1) a copy of each amendment, at least 15 working days in advance of the effective date; and
 - (2) an amendment of an urgent or immediate nature, without delay, and no later than the date on which it is effective.
- (d) Before a holder of an air traffic service certificate changes any of the following, prior acceptance by the Director is required:
 - (1) the chief executive;
 - (2) the listed senior person or persons;
 - (3) any aspect of air traffic management that may have an adverse impact on air traffic services provided by a State responsible for adjacent airspace;
 - (4) the system for safety management, if the change is a material change;
 - (5) any DAMP, if the change is a material change.
- (e) The Director may impose conditions under which the holder of the air traffic service certificate must operate during or following any of the changes specified in paragraph (d).
- (f) The holder of an air traffic service certificate 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 holder of the air traffic service certificate must forward the certificate to the Director for endorsement of the change as soon as practicable.
- (h) The holder of an air traffic service certificate must make amendments to its exposition as the Director considers necessary in the interests of aviation safety.

Part 173 Instrument Flight Procedure Service Organisation - Certification and Operation

173.71 Instrument flight procedure service organisation exposition

- (a) An applicant for the grant of an instrument flight procedure service 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 organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) are to be complied with by the applicant's organisation's personnel at all times; and
 - (1A) in relation to the system for safety management required by rule 173.69,—
 - (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 instrument flight procedure service certificate, an implementation plan that describes how the system for safety management will be implemented; and
 - (1B) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; and
 - (2) the titles and names of the senior person or persons required by rule 173.51(a)(2); and
 - (3) details of the duties and responsibilities of the senior person or persons required by rules 173.51(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) if there is more than one senior person listed under paragraph (2), an organisation chart showing the lines of responsibility of those persons; and
 - (4A) information identifying the lines of safety responsibility within the organisation; and
 - (5) the name of every senior person who is authorised in accordance with rule 173.57 to certify instrument flight procedures; and
 - (6) details of the scope of the authorisation issued to every person listed under paragraph (5); and
 - (7) a list of the types of instrument flight procedure to be designed, certified, or maintained by the applicant's organisation; and
 - (8) details of the applicant's means of meeting the requirements of rule 173.53(a) regarding—
 - (i) equipment; and
 - (ii) access to relevant and current data; and
 - (iii) access to copies of relevant documentation; and

- (9) details of the applicant's means of meeting the requirements of rule 173.53(b) regarding instrument flight procedures not requiring flight validation; and
- (10) details of the applicant's procedures as required by—
- (i) rule 173.51(b) regarding assessment and competence of personnel; and
 - (ii) rule 173.53(b)(1) regarding access to data; and
 - (iii) rule 173.53(b)(2) regarding currency and accuracy of data; and
 - (iv) rule 173.53(c) regarding control of documentation; and
 - (v) rule 173.55(a) regarding design, verification and flight validation of instrument flight procedures; and
 - (vi) rule 173.55(c) regarding flight validation of instrument flight procedures; and
 - (vii) rule 173.55(e) regarding the justification for instrument flight procedures not requiring flight validation; and
 - (viii) rule 173.55(f) or (g) regarding the compliance with standards; and
 - (ix) rule 173.57 regarding authorisation of senior persons; and
 - (x) rule 173.59 regarding certification of instrument flight procedures; and
 - (xi) rule 173.61 regarding promulgation of instrument flight procedures and the means to provide details of each procedure to the Director; and
 - (xii) rule 173.63 regarding maintenance of instrument flight procedures; and
 - (xiii) rule 173.65 regarding errors in published instrument flight procedures; and
 - (xiv) rule 173.67 regarding management of records; and
 - (xv) [revoked]
- (11) procedures for controlling, amending, and distributing the exposition.

(b) The applicant's exposition must be acceptable to the Director.

173.103 Changes to certificate holder's organisation

- (a) A holder of an instrument flight procedure service certificate must—
- (1) subject to paragraph (b), ensure that the holder's organisation's exposition is amended so that it remains a current description of the holder's organisation; and
 - (2) ensure that any amendment made to its exposition meets the applicable requirements of this Part; and
 - (3) comply with the amendment procedures contained in its exposition; and
 - (4) forward to the Director for retention a copy of each amendment that the certificate holder makes to its exposition as soon as practicable after the amendment is incorporated into its exposition; and
 - (5) amend its exposition as the Director considers necessary in the interests of aviation safety.
- (b) Before a holder of an instrument flight procedure service certificate changes any of the following, prior acceptance by the Director is required:
- (1) the person identified as the chief executive;
 - (2) the title or name of any senior person specified in the exposition required by rule 173.71(a)(2);
 - (3) the types of instrument flight procedure specified on the holder's certificate;

- (4) the system for safety management, if the change is a material change;
 - (5) any DAMP, if the change is a material change.
- (c) The Director may impose conditions under which the holder of the instrument flight procedure certificate must operate during or following any of the changes specified in paragraph (b).
- (d) The holder of an instrument flight procedure certificate must comply with any condition imposed by the Director under paragraph (c).
- (e) If any of the changes under paragraph (b) requires an amendment to the instrument flight procedure certificate, the holder of the certificate must forward the certificate to the Director for endorsement of the change as soon as practicable.

Part 174 Aviation Meteorological Service Organisations Certification

174.79 Meteorological service organisation exposition

- (a) An applicant for the grant of a meteorological service 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 organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) are to be complied with at all times; and
 - (1A) in relation to the system for safety management required by rule 174.77,—
 - (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 meteorological service certificate, an implementation plan that describes how the system for safety management will be implemented; and
 - (1B) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; and
 - (2) the titles and names of the senior person or persons required by rules 174.51(a)(1) and (2); and
 - (3) the duties and responsibilities of the senior person or persons required by rules 174.51(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) an organisation chart showing lines of responsibility of the senior person or persons required by rules 174.51(a)(1) and (2); and
 - (5) a summary of the applicant's staffing structure at each meteorological office listed under paragraph (a)(7)(i); and
 - (5A) information identifying the lines of safety responsibility within the organisation; and
 - (6) a list of the meteorological services to be covered by the certificate; and
 - (7) a list providing—
 - (i) the location of each meteorological office operated by the applicant; and
 - (ii) the location of each facility operated by the applicant that provides meteorological information directly to the users; and
 - (iii) the meteorological services provided by each of those meteorological offices and facilities; and

- (iv) the locations and airspace covered by such meteorological services; and
- (8) details of the applicant's output meteorological information identified under rule 174.59(a)(1) and the standards and formats for that information determined under rule 174.59(a)(2); and
- (9) details of the applicant's procedures and systems required by—
 - (i) rule 174.51(b) regarding competence of personnel; and
 - (ii) rule 174.53 regarding site requirements; and
 - (iii) rule 174.55 regarding communication requirements; and
 - (iv) rule 174.57 regarding meteorological service input requirements; and
 - (v) rule 174.59 regarding meteorological service output requirements; and
 - (vi) rule 174.61 regarding facility requirements; and
 - (vii) rule 174.63 (b) regarding control of documentation; and
 - (viii) rule 174.65 regarding verifications, inspections, tests and calibrations; and
 - (ix) rule 174.67 regarding release of meteorological information and the placing of facilities into operational service; and
 - (x) rule 174.69 regarding notification of meteorological office and facility status; and
 - (xi) rule 174.71 regarding meteorological information checks after notification of an accident or incident; and
 - (xii) rule 174.73 regarding malfunctions and erroneous information; and
 - (xiii) rule 174.75 regarding identification, collection, indexing, storage, maintenance and disposal of records; and
 - (xiv) [*revoked*]

(10) procedures to control, amend and distribute the exposition.

(b) The applicant's exposition must be acceptable to the Director.

174.109 Changes to certificate holder's organisation

(a) A holder of a meteorological service certificate must ensure that the exposition is amended so as to remain a current description of the holder's organisation and meteorological services provided.

(b) The certificate holder must ensure that any amendment made to its exposition meets the applicable requirements of this Part and complies 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 by the Director is required:

- (1) the chief executive;
- (2) the listed senior persons;
- (3) the meteorological services the holder provides;
- (4) the locations and airspace covered by each of the meteorological services the holder provides.
- (5) the system for safety management, if the change is a material change;

- (6) any DAMP, 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 specified in paragraph (d).
- (f) The 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) The certificate holder must make such amendments to its exposition as the Director may consider necessary in the interests of aviation safety.

Part 175 Aeronautical Information Service Organisations Certification

175.69 Aeronautical information service organisation exposition

- (a) An applicant for the grant of an aeronautical information service 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 organisation and demonstrate its means and methods for ensuring ongoing compliance with the this Part; and
 - (ii) are to be complied with at all times; and
 - (1A) in relation to the system for safety management required by rule 175.67,—
 - (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 information aeronautical service certificate, an implementation plan that describes how the system for safety management will be implemented; and
 - (1B) if a DAMP is required (see rule 99.5 and section 114 of the Act) a DAMP meeting the requirements of Part 99 and of the Act; and
 - (2) the titles and names of the senior person or persons required by rules 175.51(a)(1) and (2); and
 - (3) the duties and responsibilities of the senior person or persons required by rules 175.51(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 referred to in rules 175.51(a)(1) and (2); and
 - (5) a summary of the staffing structure for each aeronautical information service listed under paragraph (a)(6); and
 - (5A) information identifying the lines of safety responsibility within the organisation; and
 - (6) a list of the aeronautical information services to be covered by the certificate; and
 - (7) for a pre-flight information service, details of the area, aerodromes and air routes required by rule 175.55; and
 - (8) the location and address details of the applicable offices required by rules 175.103(b)(1) and 175.105(1); and
 - (9) details of the applicant's format and standards required by rule 175.57(a)(1) for their published aeronautical information; and

(10) details of the applicant's procedures regarding—

- (i) the competence of personnel; and
- (ii) the control of documentation; and
- (iii) the collection of information; and
- (iv) the publication of aeronautical information; and
- (v) the correction of errors in published information; and
- (vi) the identification, collection, indexing, storage, maintenance, and disposal of records; and
- (vii) *[revoked]*

(11) procedures to control, amend and distribute the exposition.

(b) The applicant's exposition must be acceptable to the Director.

175.109 Changes to certificate holder's organisation

(a) A holder of an aeronautical information service certificate must ensure that the holder's exposition is amended so as to remain a current description of the holder's organisation and services.

(b) The certificate holder must ensure that any amendment made to its exposition meets the applicable requirements of this Part and complies 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; and

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

- (1) the chief executive:
- (2) the listed senior persons:
- (3) the aeronautical information services provided by the holder:
- (4) the format and standards for the aeronautical information published under the authority of their certificate.
- (5) the system for safety management, if the change is a material change:
- (6) any DAMP, 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 specified 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) The certificate holder shall make such amendments to its exposition as the Director may consider necessary in the interests of aviation safety.

Proposed Transport Instrument to go with draft rule

Civil Aviation Transport (Drug and Alcohol Management Plan: reporting to the Director) Instrument 2024

The Director, satisfied that all persons and organisations that they consider appropriate, having regard to the subject matter of this instrument, have been consulted, makes the following transport instrument under section 431 of the Civil Aviation Act 2023:

Title

1. This transport instrument is the “Civil Aviation Transport (Drug and Alcohol Management Plan: reporting to the Director) Instrument 2024”.

Effective date

2. This transport instrument comes into force on 5 April 2025.

Definitions

3. Terms used in this transport instrument have the same meaning as in Parts 1 and 99 of the Civil Aviation Rules.

DAMP operator must report to Director in specified manner

4. A DAMP operator must report to the Director as set out in clause 5.

5. The report must include, in respect of the reporting period:

- a) the number of safety-sensitive workers to whom the DAMP applies
- b) the safety-sensitive activities covered by the testing carried out
- c) the safety-sensitive activities not covered by the testing carried out
- d) the number of drug tests carried out
- e) the number of alcohol tests carried out
- f) the dates of those tests
- g) the number of drug tests that returned a negative result
- h) the number of alcohol tests that returned a negative result
- i) the number of confirmatory tests
- j) the number of confirmatory urine tests that returned positive in line with AS/NZS 4308
- k) the number of confirmatory oral fluid tests that returned positive in line with AS/NZS 4760
- l) the number of confirmatory alcohol tests that returned a result other than negative
- m) the number of instances where the worker refused consent to be tested
- n) the number of instances of suspected tampering
- o) the number of tests abandoned
- p) how workers were selected for testing.

6. The report may include any additional information that the DAMP operator considers useful.

Reporting period and how to report

7. The report must cover the period 1 January to 31 December, and be submitted before 1 February of the following year.

8. The report must be submitted using the internet portal provided for this purpose by the CAA.

DAMP operator must provide further information that Director reasonably requests

9. The DAMP operator must provide any further anonymised data that the Director reasonably requests in order to better understand the significance or implications of the data provided in the report.