



PURSUANT to Section 30 of the Civil Aviation Act 1990

I, **HARRY JAMES DUYNHOVEN**, Minister for Transport Safety,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *3rd* day of *September* 2008  
by **HARRY JAMES DUYNHOVEN**

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', is written over the printed name.

Minister for Transport Safety

**Civil Aviation Rules**

**Part 1, Amendment 39**

**Definitions and Abbreviations**

*Docket 4/CAR/3*

## Contents

Rule objective .....	3
Extent of consultation.....	3
Summary of submissions .....	3
Examination of submissions.....	3
Insertion of Amendments .....	4
Effective date of rule .....	4
Availability of rules.....	4
<b>Part 1 Amendments</b> .....	<b>5</b>
1.1 General definitions .....	5
Consultation Details .....	7

**Rule objective**

The objective of amendment 39 to Part 1 is to insert new definitions and remove existing definitions as part of the introduction of new Rule Part 109 – Regulated Air Cargo Agent – Certification.

**Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 07-07, containing the proposed amendments to Part 1 was issued for public consultation under Docket 4/CAR/3 on 03 July 2007.

The publication of this NPRM was notified in the Gazette on 05 July 2007 and advertised in the daily newspapers in the five main provincial centres on 04 July 2007. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 42 days was allowed for comment on the proposed rule. Four submitters requested, and were granted, an extension of 18 more days to lodge their submissions.

**Summary of submissions**

Eleven written submissions were received on the NPRM. Four submissions were received on Part 1. The submissions related to the definitions of *regulated air cargo agent*, *security control* and *unlawful interference*, and the issue of exceptions. No changes were made to the final rule after consideration of these submissions, however minor grammatical amendments were made after further CAA internal review. A detailed summary of the submissions and the CAA responses is attached to the end of the primary Rule Part 109.

The rule as amended was then referred to Parliament's Regulations Review Committee before being signed by the Minister for Transport Safety.

**Examination of submissions**

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

**Insertion of Amendments**

The amendments to the rules in this Part are reflected by revocation of existing definitions and insertion of amended and new definitions.

**Effective date of rule**

Amendment 39 to Part 1 comes into force on 9 October 2008.

**Availability of rules**

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

## Part 1 Amendments

### 1.1 General definitions

*The definitions of screening, security control and unlawful interference are revoked and replaced with the new definitions:*

**Screening** means the application of technical or any other means to detect a weapon, explosive, or other dangerous device, article or substance, that may be used to commit an act of unlawful interference:

**Security control** means a method used to prevent the introduction on board an aircraft or at an aerodrome of a weapon, explosive or other dangerous device, article or substance that may be used to commit an act of unlawful interference:

**Unlawful interference** means an act or attempted act endangering a passenger, crew member, ground personnel, aircraft, or facility:

*The following new definition of air operator is inserted after the definition of Air operation:*

**Air operator** means the holder of—

- (1) an air operator certificate granted under section 9 of the Act and in accordance with Part 119; or
- (2) a foreign air operator certificate granted under section 9 of the Act and in accordance with Part 129; or
- (3) an Australian air operator certificate with ANZA privileges:

*The following new definition of declaration of security is inserted after the definition of Decision height:*

**Declaration of security** means a declaration made in accordance with the requirements of Part 109 regarding a consignment of cargo or mail:

*The following new definition of known customer is inserted after the definition of Justifiable aircraft equipment:*

**Known customer** means a shipper of cargo or mail who has an established association with a regulated air cargo agent or an air operator for the carriage of the shipper's cargo or mail by air and who is registered with the regulated air cargo agent or the air operator:

*The following new definition of mail is inserted after the definition of Mach number:*

**Mail** means any letter, package, parcel, postcard, or other article that is to be delivered by courier, a postal operator, or other postal agency, or diplomatic agency:

*The following new definition of regulated air cargo agent is inserted after the definition of Regular air transport service:*

**Regulated air cargo agent** means the holder of a regulated air cargo agent certificate granted under section 9 of the Act and in accordance with Part 109:

*The following new definition of statement of content is inserted after the definition of Standard Part:*

**Statement of content** means an accurate description of the items that are contained within a consignment of cargo or mail for carriage by air:

**Consultation Details**

*(This statement does not form part of the rules contained in Part 1. It provides details of the consultation undertaken in making the rules.)*

A Notice of Proposed Rulemaking, NPRM 07-07 Part 109 – Regulated Air Cargo Agent - Certification, containing the proposed amendments to Part 1 was issued for public consultation under Docket 4/CAR/3 on 03 July 2007.

Eleven responses to the NPRM were received. All of the submissions were from organisations. The CAA considered the submissions and comments and as a result amended the rules where appropriate. The details relating to the submissions received and the CAA responses are contained in the primary Rule Part 109. The submissions and all background material used in developing the rules are held on the docket file and are available for public inspection at Aviation House, 10 Hutt Road, Petone. Persons wishing to view the docket should contact the Docket Clerk on Phone (04) 560 9603 and ask for docket 4/CAR/3.