



PURSUANT to Section 28 of the Civil Aviation Act 1990

I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *16th* day of *May* 2006

by **HARRY JAMES DUYNHOVEN**

A large, stylized 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 19, Amendment 9

Transition Rules

Docket 3/CAR/4

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Rule objective

The objective of Amendment 9 to Part 19 is to make editorial and minor technical changes as part of a general rule fix up project.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 05-07, containing the proposed changes to Part 19 was issued for public consultation under Docket 3/CAR/4 on 23 June 2005.

The publication of this NPRM was notified in the *Gazette* on 23 June 2005 and advertised in the daily newspapers in the five main provincial centres on 25 June 2005. 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 37 days was allowed for comment on the proposed rule.

New Zealand Transport Strategy

The development of the NPRM and the proposed rule changes takes into account the objectives of the New Zealand Transport Strategy (NZTS) and the provisions of the Civil Aviation Amendment Act (No 2) 2004.

Summary of submissions

Nine written submissions were received on the NPRM. No submissions were received on the proposed amendments to Part 19.

The rule as proposed 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 the revocation of the existing rule and the substitution of the new rule, and the revocation of an existing rule.

Effective date of rule

Amendment 9 to Part 19 comes into force on 22 June 2006.

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 19 Transition Rules

Subpart A — General

Rule 19.1 is revoked and the following new rule is substituted:

19.1 Definitions

In this Part, unless the context otherwise requires—

Airport identity card means an airport identity card issued or approved under this Part:

Operational area means any area at an aerodrome where aircraft move or are manoeuvred; and includes any area where operational facilities are located or that is designated by signs as an operational area:

Pilotless aircraft means an aircraft, other than a balloon or kite, designed to fly unmanned with a gross mass greater than 25 kg:

Release note means a document that provides evidence that aeronautical products supplied conform to airworthiness standards acceptable to the Director by enabling the products to be traced back through stages of manufacture, distribution, and maintenance:

Security control means measures by which the introduction of a weapon or an article likely to be utilised to commit an act of unlawful interference can be prevented:

Rule 19.13 – Amendment of certificates, approvals, and manuals - is revoked and the rule number is reserved:

19.13 Reserved

Subpart C — IFR Operations: Aerodrome Meteorological Minima and Minimum Altitudes

Rule 19.155 is revoked and the following new rule is substituted:

19.155 Aerodrome meteorological minima and IFR procedures

- (a) Notwithstanding rule 19.151, the Director may specify meteorological minima for take-off and landing at aerodromes and publish such minima in the AIPNZ. Such minima are subject to any conditions or requirements that are specified by the Director.
- (b) Notwithstanding rule 19.153, the Director may specify the conditions and procedures under which an aircraft operating under instrument flight rules may be flown and publish those conditions and procedures in the AIPNZ.
- (c) Notwithstanding rule 19.153, the Director may specify instrument approach procedures and missed-approach procedures in relation to the use of any aerodrome and publish those procedures in the AIPNZ.

Subpart D — IFR Operations: GNSS

Rule 19.215 is revoked and the following new rule is substituted:

19.215 Minimum flight altitudes

Notwithstanding the minimum flight altitudes promulgated under this Part, the minimum flight altitude for an aircraft operating under IFR using GPS equipment as a primary means navigation system or sole means navigation system is—

- (1) the altitude assigned by the appropriate air traffic control unit and included in an ATC clearance; or

- (2) for published routes shown on Enroute charts, AREA charts, or in the table of evaluated but not charted routes contained in the AIPNZ Volumes 2 and 3, the lowest altitude selected from the IFR table of cruising levels that is at or above the highest of the following:
 - (i) the route minimum safe altitude (MSA):
 - (ii) a limiting minimum crossing altitude:
 - (iii) the upper limit of any volcanic hazard zone, danger area, military operating area, or restricted area that affects the route.

Subpart F — Supply Organisation Approvals

Rule 91.307 is revoked and the following new rule 19.307 is substituted:

19.307 Issue of approval

An applicant is entitled to a certificate of approval for supply if the Director is satisfied in accordance with section 9 of the Act that—

- (1) the applicant meets the applicable certification requirements in rules 19.317 to 19.325 inclusive; and
- (2) the applicant, and the applicant's senior person or persons required by rule 19.317 are fit and proper persons; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.

Rule 19.321 is revoked and the following new rule is substituted:

19.321 Supply control procedures

(a) An applicant for the grant of a certificate of approval for supply must establish supply control procedures—

- (1) to inspect and, if applicable, test an aeronautical product to determine that it conforms to airworthiness standards

- acceptable to the Director, has no unsafe features, and is fit for use; and
- (2) for the identification of each aeronautical product by—
 - (i) determining the correct description of the aeronautical product; and
 - (ii) ensuring that the aeronautical product is identical to the description determined under paragraph (a)(2)(i); and
 - (3) for determining that each aeronautical product other than a standard part, conforms with acceptable airworthiness standards that are identified from—
 - (i) the documentation accompanying the product if the documentation is acceptable to the Director; or
 - (ii) another means that is acceptable to the Director; and
 - (4) to ensure that each aeronautical product or batch of aeronautical products consigned by the supply organisation is—
 - (i) issued with a release note; or
 - (ii) accompanied by the original documents specified in paragraph (a)(3)(i); and
 - (5) to ensure that every aeronautical product dispatched by the supply organisation is in a good state of preservation and is free from apparent defect or malfunction; and
 - (6) to prevent deterioration of, and damage to, stored items; and
 - (7) to segregate items for which acceptance procedures have not been completed; and
 - (8) to segregate and dispose of items that do not conform to airworthiness standards acceptable to the Director; and

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- (9) for the notification, investigation, and reporting of defect incidents under Part 12.
- (b) The procedures for the issue of a release note must include a means to ensure that each release note—
- (1) is identified as such; and
 - (2) is uniquely numbered; and
 - (3) is accompanied by supporting evidence from the aeronautical product manufacturer if the aeronautical product is an authorised alternative to another aeronautical product; and
 - (4) contains the following information:
 - (i) the name and certificate of approval number of the supply organisation issuing it:
 - (ii) the date of issue:
 - (iii) an identification of the aeronautical product by description and, as applicable, part, drawing, specification, serial, and batch number:
 - (iv) the eligibility and any limitations relating to the use of the aeronautical product, including shelf life and finite life:
 - (v) the quantity involved:
 - (vi) details of any modifications incorporated during manufacture; and
 - (5) is certified by an appropriately authorised person listed in the supply organisation's exposition; and
 - (6) is issued in the form of a separate document suitable for attachment to an aeronautical product or a batch of aeronautical products.

Rule 19.323 is revoked and the following new rule is substituted:

19.323 Records

(a) An applicant for the grant of a certificate of approval for supply must establish procedures to identify, collect, index, store, maintain, and dispose of the records that are necessary to ensure that each aeronautical product conforms to airworthiness standards acceptable to the Director.

(b) An applicant for the grant of a certificate of approval for supply must establish procedures for—

- (1) recording details of the experience, qualifications, training, and current authorisations of each person who exercises certification privileges on the organisation's behalf; and
- (2) recording every confirmation that each special storage facility is functioning within the appropriate specification; and
- (3) recording every defect associated with aeronautical products received; and
- (4) recording every aeronautical product that is supplied by the organisation; and
- (5) retaining copies of every release note issued by the organisation and copies of the documents required by rule 19.321(a)(3)(i); and
- (6) ensuring that every record is—
 - (i) accurate, legible, and of a permanent nature; and
 - (ii) retained for a period of 7 years from the date of entry.

Rule 19.325 is revoked and the following new rule is substituted:

19.325 Supply organisation exposition

(a) An applicant for the grant of a certificate of approval for supply 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 supply organisation and demonstrate its means and methods for ensuring ongoing compliance with this subpart; and
 - (ii) will be complied with; and
- (2) the titles and names of the senior person or persons required by rule 19.317; and
- (3) the duties and responsibilities of the person or persons specified in paragraph (a)(2), including matters for which they have the responsibility to deal directly with the Director on behalf of the supply organisation; and
- (4) an organisation chart showing lines of responsibility of the senior persons specified in paragraph (a)(2); and
- (5) the detailed description of the scope and limitations of the certificate of approval; and
- (6) details of every location where the applicant conducts supply activities, and the facilities at that location; and
- (7) details of the applicant's provision of satisfactory environmental conditions at each of the locations listed under paragraph (a)(6); and
- (8) details of the applicant's staffing structure at each of the locations listed under paragraph (a)(6); and

- (9) details of any authorisations made by the applicant to other persons for supply functions; and
 - (10) details of the applicant's procedures required by—
 - (i) rule 19.317(b) regarding assessing the competence of personnel; and
 - (ii) rule 19.317(b) regarding maintaining the competence of personnel; and
 - (iii) rule 19.321 regarding control of supply activities, including a copy of the proposed release note, if applicable; and
 - (iv) rule 19.323(a) regarding the identification, collection, indexing, storage, maintenance and disposal of records; and
 - (v) rule 19.323(b) regarding the content and retention of records; and
 - (vi) rule 19.321(a)(9) regarding the notification, investigation, and reporting of defect incidents; and
 - (11) procedures for controlling, amending, and distributing the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

Rule 19.335 is revoked and the following new rule is substituted:

19.335 Transitional arrangements

The holder of a certificate of approval for supply issued before and current on 22 June 2006 does not need to comply with the requirements of rule 19.325(a)(10)(vi) until 22 December 2006.

Subpart G — Security

Rule 19.353 is revoked and the following new rule is substituted:

19.353 Restrictions relating to persons and aircraft subject to security control

Except when authorised by the Director under rule 91.9 a person must not deliver any of the following items to a person who has been subject to security control, or place any of the following items in a location that is accessible to any person on board an aircraft that has been subject to security control:

- (1) a firearm:
- (2) a dangerous or offensive weapon or instrument of any kind whatsoever:
- (3) ammunition:
- (4) an explosive substance or device, or an injurious substance or device of any kind whatsoever that could be used to endanger the safety of the aircraft or of the persons on board.

Consultation Details

(This statement does not form part of the rules contained in Part 19. It provides details of the consultation undertaken in making the rules.)

Comments arising from the NPRM

The rule amendment was developed under docket 3/CAR/4 and published as NPRM 05-07. The consultation details relating to Docket 3/CAR/4 are detailed in each affected rule.

Nine written submissions were received on the NPRM and none commented on the proposed amendments to Part 19.

The comments and all background material used in developing these rules are held on the docket. The docket is available for public inspection at Aviation House, 10 Hutt Road. Persons wishing to view the docket should contact the Docket Clerk on Phone 64-4-560-9603 and ask for docket 3/CAR/4.