



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

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

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This 7<sup>th</sup> day of Dec 2015

by **HON CRAIG FOSS**

A handwritten signature in black ink, appearing to read 'CRAIG FOSS', is written over the printed name.

Associate Minister of Transport

**Civil Aviation Rules**  
**Part 100, Initial Issue**  
**Safety Management**  
*Docket 8/CAR/1*

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## **Rule objective**

The objective of this initial issue of Part 100 is to introduce new rules to improve New Zealand's aviation safety performance in a way that embeds an effective safety culture in aviation organisations; and to ensure New Zealand meets its international obligations as a signatory to the Convention on International Civil Aviation.

## **Extent of consultation**

This project was originally conceived to have a three stage implementation plan where the safety management provisions would be included in every affected rule. A project working group was formed in 2009 to address stage 1 which included international air operators, their maintainers, international aerodromes, and air traffic control.

Subsequent development shifted the direction to a single stage rule implementation, with 2 different transition times; and the safety management requirements would mostly be contained in a new rule part – Part 100.

As a result, a new policy project developed options for a safety management rule proposal in a risk based regulation environment. This policy was consulted in 2013 and was well received by the industry; and rule development continued as recommended in the policy document.

A Notice of Proposed Rulemaking, NPRM 15-02, containing the proposed new Part 100 and consequential amendments to Parts 115, 119, 121, 125, 135, 137, 139, 141, 145, 146, 148, 149, 171, 172, 173, 174 and 175 was issued for public consultation under Docket 8/CAR/1 on 7 May 2015.

The publication of this NPRM was notified in the Gazette on 7 May 2015. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 42 days was allowed for comment on the proposed rule.

## **Summary of submissions**

20 written submissions and 60 oral comments were received on the NPRM. One submission related to Part 100. As a result of this

submission minor editorial changes were made to the text of the rule. Refer also to *Consultation Details* on page 6.

Review of the proposal to amend the certification rules for supply organisations determined that, in light of the low safety risk, the benefits would not outweigh the impacts imposed. Therefore, the proposal to amend Part 19 Subpart F was withdrawn.

### **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 new rule is inserted into the Rules series in numerical sequence.

### **Effective date of rule**

Part 100 comes into force on 1 February 2016.

### **Availability of rules**

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

## **Part 100            Safety Management**

*Insert the following rules as Part 100 in the Rules after Part 95 and before Part 101:*

### **100.1    Applicability**

This Part applies to an organisation that is required by the Civil Aviation Rules to establish, implement, and maintain a system for safety management.

### **100.3    System for safety management**

(a) An organisation to which this Part applies must have a system for safety management that includes—

- (1) a safety policy on which the system for safety management is based; and
- (2) a process for risk management that identifies hazards to aviation safety, and that evaluates and manages the associated risks; and
- (3) safety assurance measures that ensure—
  - (i) hazards, incidents, and accidents are internally reported and analysed and action is taken to prevent recurrence; and
  - (ii) goals for the improvement of aviation safety are set and the attainment of these goals is measured; and
  - (iii) there is a quality assurance programme that includes conducting internal audits and regular reviews of the system for safety management; and
- (4) training that ensures personnel are competent to fulfil their safety responsibilities.

(b) The organisation must document all processes required to establish and maintain the system for safety management.

(c) The organisation's system for safety management must correspond to the size of the organisation, the nature and complexity of

the activities undertaken by the organisation, and the hazards and associated risks inherent in the activities undertaken by the organisation.

### Consultation Details

*(This statement does not form part of the rules contained in Part 100. It provides details of the consultation undertaken in making the rules.)*

A Notice of Proposed Rulemaking, NPRM 15-02, Safety Management, containing the proposed rules was issued for public consultation under Docket 8/CAR/1 on 7 May 2015.

20 responses to the NPRM were received. One related to Part 100 as follows:

#### Part 100

One submission was received stating: “As written in the proposal, the regulation cannot be fully complied with and still meet the continuous improvement intent of SMS and as required by 100.3(a)(3)(iii) (as described in AC 100-1, Section 2.9). That is, ensuring hazards are identified insinuates that all hazards are identified, which is impossible and inconsistent with the reactive, proactive, and predictive approach to SMS.” The submitter went on to propose the following changes to rule 100.3:

- (a) An organisation to which this Part applies must have a system for safety management that includes—
  - (1) a safety policy on which the system for safety management is based; and
  - (2) a process for risk management that ~~ensures~~ identifies hazards to aviation safety ~~are identified~~, and associated risks are evaluated and managed; and
  - (3) a safety assurance ~~measures~~ system that ~~ensure~~ monitors that—
    - (i) hazards, incidents, and accidents are internally reported and analysed and

- action is taken to prevent recurrence;  
and
- (ii) goals for the improvement of aviation safety are set and the attainment of these goals is measured; and
  - (iii) there is a quality assurance programme that includes conducting internal audits and regular reviews of the system for safety management; and
- (4) training ~~that ensures~~ *for* personnel ~~are trained~~ *and to be* competent to fulfil their safety responsibilities.
- (b) The organisation must document all processes required to establish and maintain the system for safety management.
- (c) The organisation's ~~must ensure that the~~ system for safety management *must* corresponds to the size of the organisation, and the nature and complexity of —
- (1) the activities undertaken by the organisation;  
and
  - (2) the hazards and associated risks inherent in the activities undertaken by the organisation.

*CAA Response: The CAA has reviewed the proposal and incorporated most of the suggested changes. The suggested change to (a)(3) will not be reflected in the draft final rule as the proposed wording is considered satisfactory in achieving our intended outcomes.*