



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**

Minister for Transport Safety

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', written over a large, stylized graphic element that resembles a wing or a checkmark.

Civil Aviation Rules

Part 119, Amendment 6

Air Operator — Certification

Docket 3/CAR/4

Content

Rule objective	3
Extent of consultation.....	3
New Zealand Transport Strategy.....	3
Summary of submissions	3
Examination of submissions.....	3
Insertion of Amendments	4
Effective date of rule.....	4
Availability of rules.....	4
Part 119 Air Operator — Certification	5
Subpart A — General	5
119.15 Operations specifications.....	5
Subpart B — Airline Air Operator – Certification Requirements	6
119.75 Air operator security programme.....	6
Subpart D — Operating Requirements	6
119.151 Continued compliance.....	6
Appendix B — Qualifications and Experience of Senior Persons – General Aviation Air Operator Certificate Holder	7
Consultation Details	8
Comments arising from the NPRM.....	8

Rule objective

The objective of Amendment 6 to Part 119 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 119 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 119.

During drafting of the final rule editorial amendment was made to rule 119.15 to remove duplication with rule 119.9(2).

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 the revocation of the existing rule and the substitution of the new rule.

Effective date of rule

Amendment 6 to Part 119 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 119 Air Operator — Certification

Subpart A — General

Rule 119.15 is revoked and the following new rule is substituted:

119.15 Operations specifications

- (a) An air operator certificate issued in accordance with this Part must be accompanied by the operations specifications specified in paragraph (b).
- (b) The operations specifications must contain—
- (1) details of the physical location of the certificate holder's principal base of operations; and
 - (2) the certificate holder's address for service in New Zealand; and
 - (3) other business names under which the certificate holder may operate; and
 - (4) the type, serial number, and registration of every aircraft that is authorised for use; and
 - (5) details of the air operation types authorised; and
 - (6) the authorisation and limitations for routes and areas of operations; and
 - (7) any exemption granted from any requirement of this or any other Part; and
 - (8) any other item the Director determines is necessary to cover a particular situation.
- (c) When authorising SEIFR passenger operations in a certificate holder's operations specifications, the Director may specify that the authorisation is valid for a period less than that for which the air operator certificate is valid.

Subpart B — Airline Air Operator – Certification Requirements

Rule 119.75 is revoked and the following new rule is substituted:

119.75 Air operator security programme

An applicant for the grant of an airline air operator certificate that proposes to operate a regular air transport passenger service from or within New Zealand with any aircraft that has a passenger seating configuration (excluding any required crew member seats) of more than 9 seats must establish an air operator security programme that meets the requirements of Part 108.

Subpart D — Operating Requirements

Rule 119.151 is revoked and the following new rule is substituted:

119.151 Continued compliance

- (a) A holder of an air operator certificate must comply with the operations specifications required by rule 119.15.
- (b) A holder of an air operator certificate must—
 - (1) continue to meet the standards and comply with the requirements of either Subpart B or Subpart C, as appropriate; and
 - (2) comply with every procedure and programme detailed in the certificate holder's exposition; and
 - (3) hold at least 1 current copy of the certificate holder's operations specifications and the relevant sections of the certificate holder's exposition applicable to the operation at the location, in hard copy, electronic, or other form acceptable to the Director, at each location specified in the certificate holder's exposition if the holder holds—
 - (i) an airline air operator certificate; or

- (ii) a general aviation air operator certificate requiring an organisational management system in accordance with rule 119.124(c).

Appendix B — Qualifications and Experience of Senior Persons – General Aviation Air Operator Certificate Holder

Appendix B.1 is revoked and the following new appendix is substituted:

B.1 Senior person responsible for air operations

Part 135 Operation		
	Greater than 3 aircraft and/or greater than 2 bases	Less than 4 aircraft and/or less than 3 bases
Document required	Commercial Pilot Licence, with Instrument Rating if operations include IFR	Commercial Pilot Licence, with Instrument Rating if operations include IFR
Pilot-in-command experience	3 years as pilot-in-command under Part 135 operations and 750 hours flight time on the category of aircraft to be operated, with experience acceptable to the Director in the type of air operation to be performed; or ↓	750 hours flight time on the category of aircraft to be operated, with experience acceptable to the Director in the type of air operation to be performed; or ↓
Managerial experience	3 years in an operational control position	equivalent experience in air operations conducted under the authority of an Air Service Certificate issued under regulation 136 of Civil Aviation Regulations 1953 or an equivalent type of operation acceptable to the Director

Consultation Details

(This statement does not form part of the rules contained in Part 119. 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 119.

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.