



PURSUANT to Sections 28, 29 and 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 *24th* day of *September* 2007

by **HARRY JAMES DUYNHOVEN**

[Handwritten signature of Harry James Duynhoven]
Minister for Transport Safety

Civil Aviation Rules

Part 119, Amendment 9

Air Operator - Certification

Docket 5/CAR/3

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Rule objective

The objective of amendment 9 to Part 119 is to make minor and technical changes as part of a general rule fix up project.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 06/02, containing the proposed changes to Part 119 was issued for public consultation under Docket 5/CAR/3 on 13 April 2006.

The publication of this NPRM was notified in the Gazette on 13 April 2006 and advertised in the daily newspapers in the five main provincial centres on 13 April 2006. The NPRM was published on the CAA web site and mailed to stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 41 days was allowed for comment on the proposed rule.

Following public notifications of this NPRM, a supplementary NPRM proposing amendments to Part 67 Medical Standards and Certification was Gazetted on 11 May 2006 with a submission closing date of 8 June 2006. This proposal was distributed to all DME's via email.

A period of 29 days was allowed for comment on this proposed rule.

Summary of submissions

Two submissions were received by the closing date of the original NPRM issued 13 April 2006, both of which were in regard to rule 121.91- Refuelling and defuelling operations. In addition to the comments received from industry, a comment was also received from within the CAA in regard to Part 133 - Helicopter External Load Operations.

One submission was received in relation to the supplementary NPRM issued on 11 May 2006 proposing changes to Part 67.

No submissions were received on the proposed amendments to Part 119.

The rule 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 insertion of the amended rule.

Effective date of rule

Amendment 9 to Part 119 comes into force on 25 October 2007.

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 Amendments

Subpart B — Airline Air Operator – Certification Requirements

Rule 119.51 is revoked and the following new rule is substituted:

119.51 Personnel requirements

(a) An applicant for the grant of an airline air operator certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the Chief Executive who—
 - (i) has the authority within the applicant's organisation to ensure that every activity undertaken by the organisation can be financed and carried out in accordance with the requirements and standards prescribed by this Part; and
 - (ii) is responsible for ensuring that the organisation complies with the requirements of this Part; and
- (2) senior persons—
 - (i) responsible for ensuring that the applicant's organisation complies with its exposition; and
 - (ii) responsible for the functions referred to in paragraph (b)(1); and
 - (iii) ultimately responsible to the Chief Executive; and
- (3) sufficient personnel to plan, perform, supervise, inspect, and certify the operations listed in the applicant's exposition.

(b) The senior persons required by paragraph (a) must—

- (1) unless otherwise acceptable to the Director as a consequence of the size and expected scope of the applicant's organisation, each be responsible for no more than one of the following functions:

- (i) air operations including the flight operations and the supporting ground operations:
 - (ii) crew training and competency assessment:
 - (iii) the control and scheduling of maintenance:
 - (iv) internal quality assurance:
 - (v) where an air operator security programme is required by rule 119.75, air operator security:
 - (vi) conducting occurrence investigations in accordance with Part 12; and
- (2) hold the minimum qualifications and experience listed in Appendix A as applicable to the function for which they are responsible.
- (c) Notwithstanding paragraph (b)(1)(ii), and if applicable to the structure of the applicant's organisation, the senior person responsibilities for competency assessment may be assumed by the senior person responsible for air operations under paragraph (b)(1)(i).
- (d) Any function referred to in paragraph (b)(1) may be delegated to other personnel provided the senior person responsible for the function retains responsibility for the function and the delegation is acceptable to the Director.

Subpart C — General Aviation Air Operator – Certification Requirements

Rule 119.101 is revoked and the following new rule is substituted:

119.101 Personnel requirements

(a) An applicant for the grant of a general aviation air operator certificate must employ, contract, or otherwise engage—

(1) a senior person identified as the Chief Executive who—

(i) has the authority within the applicant's organisation to ensure that every activity undertaken by the organisation can be financed and carried out in accordance with the requirements and standards prescribed by this Part; and

(ii) is responsible for ensuring that the organisation complies with the requirements of this Part; and

(2) senior persons—

(i) responsible for ensuring that the applicant's organisation complies with its exposition; and

(ii) responsible for the functions referred to in paragraph (b)(1); and

(iii) ultimately responsible to the Chief Executive; and

(3) sufficient personnel to plan, perform, supervise, inspect, and certify the operations listed in the applicant's exposition.

(b) The senior persons required by paragraph (a) must—

(1) unless otherwise acceptable to the Director as a consequence of the size and expected scope of the applicant's organisation, each be responsible for no more than one of the following functions—

- (i) air operations, including the flight operations and the supporting ground operations:
 - (ii) crew training and competency assessment:
 - (iii) the control and scheduling of maintenance:
 - (iv) the organisational management system:
 - (v) conducting occurrence investigations in accordance with Part 12; and
- (2) hold the minimum qualifications and experience listed in Appendix B as applicable to the function for which they are responsible.
- (c) Notwithstanding paragraph (b)(1)(ii), and if applicable to the structure of the applicant's organisation, the senior person responsibilities for competency assessment may be assumed by the senior person responsible for air operations under paragraph (b)(1)(i).

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.)

A Notice of Proposed Rulemaking, NPRM 06-02 Omnibus Rule Fix Up, containing the proposed rules was issued for public consultation under Docket 5/CAR/3 on 13 April 2006.

A supplementary NPRM proposing amendments to Part 67 Medical Standards and Certification was published under the same docket number on 11 May 2006.

A total of 3 submissions were received by the closing date of the original NPRM and 1 submission was received in relation to the supplementary NPRM. No submissions were received 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 5/CAR/3.