



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

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

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This 12<sup>th</sup> day of Dec 2016

by Hon Craig Foss

Associate Minister of Transport

A handwritten signature in black ink, appearing to read 'Craig Foss', is written over the printed name and title.

**Civil Aviation Rules**

**Part 119, Amendment 16**

**Air Operator – Certification**

*Docket 16/CAR/1*

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**Rule objective**

The objective of amendment 16 to Part 119 is to correct data erroneously omitted in Part 119, Appendices A and B (relating to the Part 100 Safety Management rule changes); and to correct aspects of the Safety Management transitional provision in line with original policy intentions.

**Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 16-01, containing the proposed changes to Part 119 and other rules was issued for public consultation under Docket 16/CAR/1 on 2 June 2016.

The publication of this NPRM was published on the CAA website and emailed to subscribers of the automatic alert service provided by the CAA.

A period of 27 days was allowed for comment on the proposed rules.

**Summary of submissions**

Six written submissions and no oral comments were received on the NPRM. These submissions and comments have been considered and as a result a minor and non-controversial amendment is being made to rule 91.605 and two new definitions are being inserted in Part 1 to clarify the definition of “Instrument runway”.

A summary of submissions for this NPRM is available on the CAA website.

No submissions were received in relation to the proposed amendments to Part 119.

**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**

This Part has been amended by:

- appendices A and B were amended to correct information erroneously omitted in these appendices (relating to the Part 100 Safety Management rule changes) and to refer in A.3 and B.3 to the senior person responsible for the control and scheduling of maintenance;
- rules 119.201, 119.203 and 119.207 (the Safety Management transition rules) were amended to clarify that the body in paragraph (a) is the applicant for the grant of the certificate; that both applicants and certificate holders have to submit implementation plans for safety management to the Director; the timing of when plans must be submitted; that certificate holders do not need to submit the implementation plan with their certificate renewal application but may do so separately; to correct an incorrect statutory reference and to remove the wording in paragraph (f) of the existing rule.

## **Effective date of rule**

Amendment 16 to Part 119 comes into force on 10 March 2017

## **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

*Replace rule 119.201 with the following rule:*

### **119.201 Transition for airline air operator certificate holders and applicants performing Part 121 or Part 125 operations**

- (a) This rule applies to each—
- (1) holder of an airline air operator certificate that performs any operations specified in rule 121.1 or rule 125.1;
  - (2) applicant for the grant of an airline air operator certificate that will perform any operations specified in rule 121.1 or 125.1.
- (b) Before the date of implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—
- (1) rule 119.51(b)(1)(iv), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;
  - (2) rule 119.79, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 119.205;
  - (3) rule 119.81(a)(1A)(i);
  - (4) rule 119.81(a)(3)(ii);
  - (5) rule 119.81(a)(6A).
- (c) A completed CAA form and implementation plan must be submitted to the Director—
- (1) after 1 February 2016 for an applicant for the grant of an airline air operator certificate under subparagraph(a)(2); and

- (2) by 30 July 2016 for a holder of an airline air operator certificate under subparagraph (a)(1).
- (d) The implementation plan referred to in paragraph (c) must—
  - (1) include a proposed date for implementation of the system for safety management; and
  - (2) outline how the organisation plans to implement the system for safety management required under rule 119.79.
- (e) The Director will, if acceptable—
  - (1) approve the organisation’s implementation plan; and
  - (2) set the date for implementation of the system for safety management.
- (f) In setting the date under rule subparagraph (e)(2), the Director must have regard to the following:
  - (1) the capability of the organisation:
  - (2) the complexity of the organisation:
  - (3) the risks inherent in the activities of the organisation:
  - (4) the date of any certificate renewal:
  - (5) any resource or scheduling impacts on the organisation or the Authority or both:
  - (6) the date for implementation must not be later than 1 February 2018.
- (g) A holder of an airline air operator certificate under subparagraph (a)(1) does not have to submit an implementation plan with its certificate renewal application.
- (h) This rule expires on 1 February 2018.

*Replace rule 119.203 with the following rule:*

**119.203 Transition for airline air operator certificate holders and applicants performing Part 135 operations**

- (a) This rule applies to each—
- (1) holder of an airline air operator certificate that performs any operations specified in rule 135.1:
  - (2) applicant for the grant of an airline air operator certificate that will perform any operations specified in rule 135.1.
- (b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—
- (1) rule 119.51(b)(1)(iv), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:
  - (2) rule 119.79, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 119.205:
  - (3) rule 119.81(a)(1A)(i):
  - (4) rule 119.81(a)(3)(ii):
  - (5) rule 119.81(a)(6A).
- (c) A completed CAA form and implementation plan must be submitted to the Director —
- (1) after 1 February 2016 for an applicant for the grant of an airline air operator certificate under subparagraph (a)(2); and
  - (2) by 30 July 2018 for a holder of an airline air operator certificate under subparagraph (a)(1).
- (d) The implementation plan referred to in paragraph (c) must—

- (1) include a proposed date for implementation of the system for safety management; and
  - (2) outline how the organisation plans to implement the system for safety management required under rule 119.79.
- (e) The Director will, if acceptable—
- (1) approve the organisation’s implementation plan; and
  - (2) set the date for implementation of the system for safety management.
- (f) In setting the date under rule subparagraph (e)(2), the Director must have regard to the following:
- (1) the capability of the organisation:
  - (2) the complexity of the organisation:
  - (3) the risks inherent in the activities of the organisation:
  - (4) the date of any certificate renewal:
  - (5) any resource or scheduling impacts on the organisation or the Authority or both:
  - (6) the date for implementation must not be later than 1 February 2021.
- (g) A holder of an airline air operator certificate under subparagraph (a)(1) does not have to submit an implementation plan with its certificate renewal application.
- (h) This rule expires on 1 February 2021.



*Replace rule 119.207 with the following rule:*

**119.207 Transition for general aviation air operator certificate holders and applicants**

- (a) This rule applies to each—
- (1) holder of a general aviation air operator certificate;
  - (2) applicant for the grant of a general aviation air operator certificate.
- (b) Before the date of implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—
- (1) rule 119.101(b)(1)(iv), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for an organisational management system;
  - (2) rule 119.124, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an organisational management system that complies with rule 119.209;
  - (3) rule 119.125(a)(1A)(i);
  - (4) rule 119.125(a)(3)(ii);
  - (5) rule 119.125(a)(4A).
- (c) A completed CAA form and implementation plan must be submitted to the Director—
- (1) after 1 February 2016 for an applicant for the grant of a general aviation air operator certificate under subparagraph (a)(2); and
  - (2) by 30 July 2016 for the holder of a general aviation air operator certificate under subparagraph (a)(1).
- (d) The implementation plan referred to in paragraph (c) must—

- (1) include a proposed date for implementation of the system for safety management; and
  - (2) outline how the organisation plans to implement the system for safety management required under rule 119.124.
- (e) The Director will, if acceptable—
- (1) approve the organisation’s plan for implementation; and
  - (2) set the date for implementation of the system for safety management.
- (f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:
- (1) the capability of the organisation:
  - (2) the complexity of the organisation:
  - (3) the risks inherent in the activities of the organisation:
  - (4) the date of any certificate renewal:
  - (5) any resource or scheduling impacts on the organisation or the Authority or both:
  - (6) the date for implementation must not be later than 1 February 2021.
- (f) A holder of a general aviation air operator certificate under subparagraph (a)(1) does not have to submit an implementation plan with its certificate renewal application.
- (g) This rule expires on 1 February 2021.

*Replace Appendix A with the following appendix:*

## **Appendix A — Qualifications and Experience of Senior Persons — Airline Air Operator Certificate Holder**

This Appendix prescribes the qualifications and experience for the senior persons responsible under 119.51(b)(1)(i), (ii), (iii), and (iv).

### **A.1 Senior person responsible for air operations**

<b>Part 121 Operation</b>	
Document required	Airline Transport Pilot Licence
Pilot-in-command experience	3 years as pilot-in-command under Part 121 operations
Managerial experience	3 years in an operational control position

	<b>Part 125 Operation</b>		<b>Part 135 Operation</b>
	<b>Multi-crew</b>	<b>Single pilot</b>	
Document required	Airline Transport Pilot Licence	Commercial Pilot Licence, with Instrument Rating if operations include IFR	Refer Appendix B
Pilot-in-command experience	3 years as pilot-in-command under Part 121, Part 125 or Part 135 operations; or ↓	3 years as pilot-in-command under Part 121, Part 125 or Part 135 operations; or ↓	Refer Appendix B
Managerial experience	3 years in an operational control position	3 years in an operational control position	Refer Appendix B

## A.2 Senior person responsible for crew training and competency assessment

Part 121 Operation	
Document required	Airline Transport Pilot Licence with ratings
Currency	Current to act as pilot-in-command of one type of operator's aircraft
Experience	3 years as pilot-in-command under Part 121, Part 125, or Part 135 operations and 2 years' experience in the check and training role

	Part 125 Operation		Part 135 Operation
	Multi-crew	Single pilot	
Document required	Airline Transport Pilot Licence with ratings	Commercial Pilot Licence, with Instrument Rating if operations include IFR	Refer Appendix B
Currency	Current to act as pilot-in-command of one type of operator's aircraft	Current to act as pilot-in-command of one type of operator's aircraft	Refer Appendix B
Experience	3 years as pilot-in-command under Part 121, Part 125, or Part 135 operations and 2 years' experience in the check and training role	3 years as pilot-in-command under Part 121, Part 125, or Part 135 operations and 2 years' experience in the check and training role	Refer Appendix B

In addition, where there is a requirement for experience under Part 121, Part 125, or Part 135 operations, a person may be assessed as meeting that requirement if they have had equivalent experience in air transport 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.

### **A.3 Senior person responsible for the control and scheduling of maintenance**

#### **A.3.1 Part 121 Operations**

(a) The senior person responsible for the control and scheduling of maintenance in an organisation conducting air operations under Part 121 must—

- (1) have a clear knowledge and understanding of the maintenance parts of the organisation's exposition and the applicable maintenance provisions of Part 121; and
- (2) meet the requirements of paragraph (b); and
- (3) undertake any examination or test that the Director may require to determine the applicant's competency to perform the maintenance planning and control functions required.

(b) The senior person in paragraph (a)—

- (1) must—
  - (i) hold or have held an aircraft maintenance engineer licence or equivalent, acceptable to the Director, with appropriate ratings; and
  - (ii) have at least 5 years' experience in the maintenance of aircraft of a similar size and type as that to be operated by the organisation; and
  - (iii) have at least 2 years' experience in a supervisory position which may be undertaken during the 5 years' experience required under subparagraph (1)(ii); or
- (2) must—
  - (i) be a graduate engineer or equivalent in an aeronautical, mechanical or electrical discipline; and
  - (ii) have at least 5 years' experience of the maintenance of aircraft, which may be gained while working in a

maintenance supervision, maintenance planning, engineering development, or workshop environment; and

- (iii) have at least six months practical experience in aircraft maintenance tasks which may be undertaken during the 5 years' experience required under subparagraph (2)(ii); and
- (iv) have at least 2 years' experience in a supervisory position which may be undertaken during the 5 years' experience required under subparagraph (2)(ii).

(c) The experience requirements in paragraphs (b)(1)(ii) and (b)(2)(ii) may be met through a course of instruction acceptable to the Director and conducted under the authority of a training organisation certificate granted under section 9 of the Act and in accordance with Part 141 or Part 147 .

### **A.3.2 Part 125 Operations**

(a) The senior person responsible for the control and scheduling of maintenance in an organisation conducting air operations under Part 125 must—

- (1) have a clear knowledge and understanding of the maintenance parts of the organisation's exposition and the applicable maintenance provisions of Part 125; and
- (2) meet the requirements of paragraph (b); and
- (3) undertake any examination or test that the Director may require to determine the person's competency to perform the maintenance planning and control functions required.

(b) The senior person referred to in paragraph (a)—

- (1) must meet the requirements of paragraph A.3.1; or
- (2) must—

- (i) hold or have held an aircraft maintenance engineer licence granted under section 9 of the Act and in accordance with Part 66, or an equivalent licence acceptable to the Director, with appropriate ratings; and
  - (ii) have at least 3 years' experience performing maintenance on aircraft of a similar size and type as that to be operated by the organisation; and
  - (iii) have at least 1 years' experience certifying aircraft for release-to-service, which may be undertaken during the 3 years' experience required under subparagraph (ii); or
- (3) must have experience acceptable to the Director including at least 5 years' experience responsible for the control and direction of maintenance and the continuing airworthiness of aircraft of a similar size and type as that to be operated by the organisation.
- (c) The experience requirement specified in paragraph (b)(2)(ii) may alternatively be met through a course of instruction acceptable to the Director and conducted under the authority of a training organisation certificate granted under section 9 of the Act and in accordance with Part 141 or Part 147.

#### **A.4 Senior person responsible for the system for safety management**

<b>Part 121, 125, or 135 Operation</b>	
Competency	Demonstrate competency relevant to systems for safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

## A.5 Senior person responsible for internal quality assurance

	Part 121 Operation	Part 125/135 Operation
Document required	Certificate in Quality Assurance or equivalent qualification or ↓	Certificate in Quality Assurance or equivalent qualification or ↓
	5 years' experience in quality assurance management in the aviation industry	5 years' experience in quality assurance management in the aviation industry
Experience	5 years' experience in aviation with flight operations or maintenance background	5 years' experience in aviation with flight operations or maintenance background

In addition, a person may be assessed as meeting the qualification requirements for this senior person position if they have had equivalent experience in quality assurance management acceptable to the Director.



*Replace Appendix B with the following appendix:*

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

This Appendix prescribes the qualifications and experience for the senior persons responsible under 119.101(b)(1)(i), (ii), (iii), and (iv).

### **B.1 Senior person responsible for air operations**

<b>Part 135 Operation</b>		
	<b>Greater than 3 aircraft or greater than 2 bases</b>	<b>Less than 4 aircraft and less than 3 bases</b>
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 during air operations on the same category of aircraft to be operated, with experience in the same or similar type of air operation to be performed that is acceptable to the Director; and 75 hours actual or simulated instrument time if operations include IFR; or ↓	500 hours flight time during air operations on the same category of aircraft to be operated, with experience in the same or similar type of air operation to be performed that is acceptable to the Director; and 75 hours actual or simulated instrument time if operations include IFR; or ↓
Managerial experience	3 years in an operational control position with experience, including flight experience, appropriate to the type of air operation to be performed that is acceptable to the Director.	2 years in an operational control position with experience, including flight experience, appropriate to the type of air operation to be performed that is acceptable to the Director.

For assessing the above senior person experience requirements, the Director may consider the following:

- (a) for a senior person qualifying under the pilot-in-command requirements, the Director may consider experience in the same

types of air operations or similar types of air operations involving similar operating environment, types of equipment and aircraft configurations including operations in a military or similar type of service:

- (b) for a senior person qualifying under the managerial experience requirements, the Director may consider flight operational control experience, or similar experience, in air operations or other similar transport type operations in a military or similar type of service.

## **B.2 Senior person responsible for crew training and competency assessment**

<b>Part 135 Operation</b>		
	<b>Greater than three aircraft and/or greater than two bases</b>	<b>Less than four aircraft and/or less than three bases</b>
Document required	Commercial Pilot Licence, with Instrument Rating if operations include IFR	Commercial Pilot Licence, with Instrument Rating if operations include IFR
Currency	Current to act as pilot-in-command of one type of operator's aircraft	Current to act as pilot-in-command of one type of operator's aircraft
Experience	3 years as pilot-in-command under Part 135 operations and 2 years' experience in the check and training role	

## **B.3 Senior person responsible for the control and scheduling of maintenance**

(a) The senior person responsible for the control and scheduling of maintenance in an organisation conducting air operations under Part 135 must—

- (1) have a clear knowledge and understanding of the maintenance parts of the organisation's exposition and the applicable maintenance provisions of Part 135; and
- (2) meet the requirements of paragraph (b); and

- (3) undertake any examination or test that the Director may require to determine the applicant’s competency to perform the maintenance planning and control functions required.
- (b) The senior person in paragraph (a) must—
- (1) meet the requirements of Appendix A.3.1; or
  - (2) meet the requirements of Appendix A.3.2; or
  - (3) for organisations intending to conduct or conducting air operations with a total of three or less aircraft listed on their operations specifications and from a total of two or less bases, have sufficient knowledge of maintenance to be able to ensure that the aircraft is maintained in an airworthy condition and that any maintenance required by its maintenance programme is satisfactorily accomplished.
- (c) The knowledge requirements in paragraph (b)(3) may be met through a course of instruction acceptable to the Director and conducted under the authority of a training organisation certificate granted under section 9 of the Act and in accordance with Part 141 or Part 147.

#### **B.4 Senior person responsible for the system for safety management**

<b>Part 135 Operation</b>	
Competency	Demonstrate competency relevant to systems for safety management.  A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

#### **B.5 Senior person responsible for the organisational management system**

<b>Part 135 Operation</b>		
	<b>Greater than three aircraft and/or greater than two bases</b>	<b>Less than four aircraft and/or less than three bases</b>
Document required	Certificate in Quality Assurance or equivalent qualification or ↓	General knowledge and awareness of quality assurance or management systems
	General knowledge and awareness of quality assurance or management systems or ↓	
	2 years' experience in management systems in the aviation industry	
Experience	3 years' experience in aviation with flight operations or maintenance background	

In addition, a person may be assessed as meeting the qualification requirements for this senior person position if they have had equivalent experience in quality assurance management acceptable to the Director.