



PURSUANT to Sections 28 and 30 of the Civil Aviation Act 1990

I, CRAIG FOSS, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 7th 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 125, Amendment 20

Air Operations – Medium Aeroplanes

Docket 8/CAR/1

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Rule objective

The objective of amendment 20 to Part 125 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 19, 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. No submissions related to the proposed changes to Part 125.

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 replacing the affected existing rules with the amended rules.

Effective date of rule

Amendment 20 to Part 125 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)

Subpart B – Flight Operations

Rule 125.79 is revoked and replaced by the following rule:

125.79 SEIFR passenger operations

(a) Each holder of an air operator certificate conducting a SEIFR passenger operation must—

- (1) for each aerodrome to be used for the operation, provide a route guide to the pilot-in-command with details of contingency options available to assist with obstacle clearance in the event of an engine power loss occurring during the instrument departure or approach, including—
 - (i) any alternative routes available to the intended runway; and
 - (ii) the minimum height and glide profile necessary to enable the aeroplane to reach the runway; and
- (2) ensure that a programme is established to ensure the early identification and prevention of SEIFR related problems that includes—
 - (i) the recording of any event that is a potential risk to the safety of a SEIFR passenger operation; and
 - (ii) the recording of occasions when an aeroplane was not dispatched on an a SEIFR passenger operation due to weather below planning minima at the available alternate aerodromes; and
 - (iii) for each aeroplane, the maintenance of a database designed to assess the reliability of the aeroplane and its systems; and
 - (iv) compliance with the engine manufacturer’s extended maintenance programme; and

- (3) ensure that the database required in paragraph (2)(iii) includes—
 - (i) the recording of the number of SEIFR passenger flights operated each month; and
 - (ii) details of any diversion from a planned SEIFR passenger operation; and
 - (iii) the number of occasions when an aeroplane was not dispatched on a SEIFR passenger operation due to aeroplane unserviceability; and
- (4) ensure that the information required by paragraphs (2) and (3) is reviewed each calendar month in accordance with the quality assurance programme that is required under rule 100.3(a)(3)(iii) and that any corrective or preventive actions are recorded; and
- (5) ensure that the information required by paragraphs (2) and (3), and the records required by paragraph (4), are provided to the Director each calendar month except that after six months the provision of that information may be extended to once every three calendar months if the extension is approved by the Director under paragraph (b); and
- (6) ensure that each training syllabus required by Subpart I incorporates additional training—
 - (i) to integrate any IFR experience gained by a flight crew member in a multi-engine aeroplane and any VFR experience gained by a flight crew member in a single-engine aeroplane into the SEIFR passenger operation; and
 - (ii) necessary to conduct or avoid, as appropriate, SEIFR passenger operations in icing conditions; and
 - (iii) if operations are to be conducted at night, necessary to conduct SEIFR passenger operations at night; and

- (iv) necessary to enable flight crew members to take appropriate action in the event of any non-normal warning or indication.

(b) The Director may approve an extension to the provision of information and records under paragraph (a)(5) if the Director is satisfied that such an extension will not compromise aviation safety.

Subpart G – Maintenance

Rule 125.415 is revoked and replaced by the following rule:

125.415 Maintenance review

- (a) A holder of an air operator certificate must ensure that—
 - (1) an aeroplane is not operated under the authority of the certificate unless a maintenance review for the aeroplane has been carried out within the previous 12 months; and
 - (2) each maintenance review that is carried out is certified in accordance with paragraph (d).
- (b) Except as provided in paragraph (c), the holder of an air operator certificate must ensure that a maintenance review for an aeroplane is not certified as having been carried out unless, since the last maintenance review—
 - (1) due maintenance specified in the applicable maintenance programme for the aeroplane has been completed within the time period specified; and
 - (2) every applicable airworthiness directive has been complied with in accordance with the requirements prescribed in Part 39; and
 - (3) every defect entered in the technical log has been rectified or properly deferred in accordance with the procedures in the certificate holder's exposition; and
 - (4) every applicable certification for release-to-service has been made in accordance with subpart C of Part 43.

(c) The certificate holder may certify a maintenance review for an aeroplane on the basis of continuing compliance with a programme acceptable to the Director if—

- (1) the programme samples every requirement of paragraph (b) during the review period; and
- (2) the maintenance review is individually certified for each of the certificate holder's aeroplanes.

(d) The certificate holder must ensure that the person who carries out the maintenance review for an aeroplane—

- (1) is authorised by the certificate holder and has experience that is at least equivalent to the experience required for the grant of an appropriate aircraft maintenance engineer licence rating, for the type of aeroplane; and
- (2) carries out the review in accordance with the applicable paragraph (b) or (c); and
- (3) certifies that the maintenance review has been carried out by entering the following statement in the appropriate maintenance logbook with the person's signature, authorisation number, and the date of entry:

The maintenance review for this aeroplane and such of its equipment as is necessary for its continued airworthiness has been carried out in accordance with the requirements of Civil Aviation Rule 125.415.

Consultation Details

(This statement does not form part of the rules contained in Part 125. 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. None related to Part 125.