



**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 *16<sup>th</sup>* day of *May* 2006

by **HARRY JAMES DUYNHOVEN**

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', is written over the printed name. The signature is fluid and cursive, with a large, stylized 'H' and 'D'.

Minister for Transport Safety

**Civil Aviation Rules**

**Part 140, Amendment 2**

**Aviation Security Service Organisations –  
Certification**

*Docket 3/CAR/4*

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### **Rule objective**

The objective of Amendment 2 to Part 140 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 140 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 140.

The rule as proposed 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, and the insertion of a new rule.

### **Effective date of rule**

Amendment 2 to Part 140 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 140 Aviation Security Service Organisations – Certification**

### **Subpart B — Certification Requirements**

*Rule 140.61 is revoked and the following new rule is substituted:*

#### **140.61 Organisation exposition**

(a) An applicant for the grant of an aviation security service certificate must provide the Director with an exposition that contains—

- (1) a statement signed by the Chief Executive, on behalf of the organisation, confirming that the exposition—
  - (i) defines the organisation and demonstrates its means and methods for ensuring ongoing compliance with this Part; and
  - (ii) is to be complied with by its personnel at all times; and
- (2) the titles and names of the persons required by rule 140.51(a)(1) and (2); and
- (3) the duties and responsibilities of the persons specified in paragraph (a)(2) including matters in respect of which they deal directly with the Director on behalf of the organisation; and
- (4) an organisation chart showing associated lines of responsibility of the persons and supervisory persons specified in paragraph (a)(2); and
- (5) details of each location where the organisation intends to provide aviation security services and the facilities at each location; and
- (6) a summary of the organisation's staffing structure to be used at each location listed under paragraph (a)(5); and

- (7) details of the aviation security services to be provided at each location; and
  - (8) details of the scope of the medical examination report and the method of assessment of fitness required by A.22 of Appendix A; and
  - (9) details of the applicant's procedures required by—
    - (i) rule 140.53 regarding the operating procedures; and
    - (ii) rule 140.55 regarding control and distribution of aviation security documentation; and
    - (iii) rule 140.57 regarding the identification, collection, indexing, storage, and maintenance of records; and
    - (iv) rule 140.59 regarding internal quality assurance of the applicant's organisation; and
  - (10) procedures for controlling, amending, and distributing the exposition; and
  - (11) procedures for notifying, investigating and reporting any security incident to the Director in accordance with Part 12; and
  - (12) procedures for reporting the detection of dangerous goods to the Director.
- (b) An applicant's exposition must be acceptable to the Director.

*The following new rule 140.63 is inserted:*

**140.63 Transitional arrangements**

The holder of an aviation security service certificate issued before 22 June 2006 does not need to comply with the requirements of rule 140.61(11) and rule 140.61(12) until 22 December 2006.

## Appendix A – Security Operational Standards

*Appendix A.23 is revoked and the following is substituted:*

### **A.23 Training**

(a) The holder of an aviation security service certificate must ensure that the certificate holder’s personnel do not perform the duties of an aviation security officer unless those personnel—

- (1) receive training on the topics listed in paragraph (c) as applicable to their particular duties; and
- (2) sit a written examination at the end of their training; and
- (3) meet the level of competence specified in paragraph (c) for each topic they receive training on.

(b) The grading system of the level of competence specified in paragraph (c) must be as follows:

- (1) grade 1 denotes an awareness of the subject:
- (2) grade 2 denotes a basic knowledge of the subject:
- (3) grade 3 denotes the ability to apply a basic knowledge of the subject in situations likely to arise in the course of their duties:
- (4) grade 4 denotes the ability to apply a thorough knowledge of the subject in situations likely to arise in the course of their duties:
- (5) grade 5 denotes the ability to apply a thorough knowledge of the subject and to exercise sound judgement in situations likely to arise in the course of their duties.

(c) The topics and level of competence that personnel referred to in paragraph (a) are required to be trained and assessed on are as follows:

- (1) **Legislation relating to aviation security:**

- (i) **Aviation Crimes Act 1972** to examine the powers of an aviation security officer, aircraft commander, and the police and study the crimes that are provided for under the Aviation Crimes Act 1972, to grade 4:
  - (ii) **New Zealand Bill of Rights Act 1990** to examine the rights of an individual to be secure against unreasonable search or seizure, to grade 3:
  - (iii) **Civil Aviation Act 1990 and Civil Aviation Rules** to examine the responsibilities, functions, and powers of an aviation security officer and offences applicable to aviation security, to grade 5:
  - (iv) **Part 19** to examine the provisions of rules 19.353, 19.355, 19.357, and 19.359, to grade 3:
  - (v) **Civil Aviation (Offences) Regulations 1997** to examine the offence provisions and penalties for breaches of rules 19.353, 19.355, 19.357, and 19.359, to grade 3:
  - (vi) **Crimes Act 1961** to examine sections 157, 203, 300, 301, and 303 of the Crimes Act dealing with endangering transport, to grade 3:
  - (vii) **Arrest and use of force** to examine the sections of the Crimes Act dealing with arrest and use of force, to grade 5:
- (2) **Screening and search of a passenger and baggage:**
- (i) to outline the general principles governing the screening and search of a passenger and baggage, to grade 4; and
  - (ii) to be familiar with and proficient in the use of the screening equipment provided by the certificate holder, to grade 4; and

- (iii) to have practical experience with the procedures and methods for searching a passenger and his or her baggage, to grade 4:
- (3) **Aircraft anti-sabotage checks** to examine the response required when an aircraft requires anti-sabotage checks following a threat or if the aircraft is involved in a previously unscreened service and the measures taken to ensure it is sterile before pre-flight screening, to grade 4:
- (4) **Improvised explosive devices** as they affect civil aviation to give an aviation security officer an understanding of improvised explosive devices likely to be encountered at an airport, in aircraft, or at the passenger screening point, to grade 3:
- (5) **Dealing with armed offenders** to instruct an aviation security officer on the action he or she should take to handle an armed offender and protect other persons from the threat, to grade 3:
- (6) **Hijack response procedures** to give an aviation security officer an understanding of procedures to be followed in the event of a hijacking, to grade 2:
- (7) **Foot and mobile security patrols** to make an aviation security officer familiar with every aspect of foot and mobile preventive patrols and responding to a security incident, to grade 4:
- (8) **Aerodrome surface movements** to teach an aviation security officer the correct procedure during vehicle movements on the aerodrome, to grade 5:
- (9) **Aeronautical radio-telephone operations and procedures** to teach an aviation security officer the correct radio discipline to the standard of a restricted radio telephone operator certificate, to grade 4:
- (10) **The threat factor** to update an aviation security officer on the current terrorist and criminal trends, to grade 2:

- (11) **Weapons** to familiarise an aviation security officer with a range of firearms and similar weaponry to assist in identification of these items during pre-flight screening duties, to grade 3:
- (12) **Historical background and statistics of acts of unlawful interference** to provide an aviation security officer with a knowledge of the evolution of aviation security and the extent of occurrences, to grade 2:
- (13) **Background information on international obligations** to familiarise an aviation security officer with ICAO, the existence of the Convention, Annex 17 and manuals associated with Annex 17, Document 8973, to grade 1.

## **Consultation Details**

(This statement does not form part of the rules contained in Part 140. 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 140.

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.