



WELLINGTON NEW ZEALAND

PURSUANT TO Section 30 of the Civil Aviation Act 1990

I, WILLIAM ROBSON STOREY, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

this *16th* day of *December* 1991

by WILLIAM ROBSON STOREY

Minister of Transport

A handwritten signature in black ink, appearing to read 'W. Robson Storey', written over a horizontal line.

Civil Aviation Rules Part 145

Certification - Aircraft Maintenance Organisations

Docket Nr. 1001

**Civil Aviation Rules
Part 145**

**CERTIFICATION - AIRCRAFT
MAINTENANCE ORGANISATIONS**

RULE OBJECTIVE AND EXTENT OF CONSULTATION

The objective of Part 145 is to define a regulatory safety boundary for organisations wishing to carry out maintenance of aircraft engaged in air transport operations and with a maximum certificated take off weight of more than 2730 kg, and for organisations wishing to carry out major maintenance of any aircraft component.

In May 1990 the Air Transport Division of the Ministry of Transport published a notice of intention to carry out a complete review of the aviation regulatory system. This notice, in Civil Aviation Information Circular Air 3, listed the areas in which rules would be made and invited interested parties to register their wish to be part of the consultative process. This register was identified as the Regulatory Review Consultative Group. Forty organisations and individuals registered their wish to be consulted in the development of rules for aircraft maintenance.

A draft document was developed by the rules rewrite team in consultation with the members of the consultative group. An informal draft was

published and distributed in May 1991. An intensive period of informal consultation followed. This included written submissions from the consultants and meetings between the responsible technical specialist and various industry groups at regional venues. This informal consultative process culminated in the issue of Notice of Proposed Rule Making 91-5 under Docket number 1001NR on 10 July 1991. The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 11 July 1991. The notice was mailed to all members of the Regulatory Review Consultative Group and to other parties, including overseas Aviation Authorities and organisations, who were considered likely to have an interest in the proposal.

A period of ninety days was allowed for comment on the proposed rules. Fifteen written submissions were received in response to this notice. Further meetings were held with members of the consultative group to address their concerns and to discuss proposed remedies. These submissions and discussions were considered and where appropriate the proposed rules amended to take account of the concerns raised. Those rules as amended were then referred to and signed by the Minister of Transport.

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Subpart A - General

145.1 Applicability

- (a) This Part prescribes rules governing the certification and operation of organisations
- (1) maintaining aircraft engaged in air transport operations and with a maximum certificated take off weight of more than 2730 kg. and any aircraft components fitted or intended to be fitted to such aircraft; and
 - (2) carrying out major maintenance of any aircraft component.
- (b) Organisations located outside of New Zealand may only be certificated if the Authority is satisfied that there is a need for such certification and when the organisation is in compliance with this Part.

145.3 Definitions

In this Part:

"The Act" means the Civil Aviation Act 1990:

"Air Transport Operations", until defined in Part 1 (Definitions and Abbreviations), has the meaning afforded by Regulation 131 of the Civil Aviation Regulations 1953:

"Aircraft" means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reaction of the air against the surface of the earth:

"Aircraft Component" means any component part of an aircraft up to and including a complete airframe or power plant, and includes any operational or emergency equipment fitted to or provided in an aircraft:

"Airworthiness Data" means any information necessary to ensure that an aircraft or aircraft component can be maintained in an airworthy condition:

"The Authority" means the Civil Aviation Authority for New Zealand:

"Fit and proper person" means a person determined fit and proper to hold an aviation document in accordance with the Act:

"Maintenance" means all work and inspection performed to ensure the continued airworthiness of an aircraft or aircraft component.

"Major maintenance" has the meaning given in Appendix 2.

145.5 Certificate Required

- (a) No person shall maintain or certify for release to service an aircraft engaged in air transport operations with a maximum certificated take off weight of more than 2730 kg, or an aircraft component fitted, or intended to be fitted, to such an aircraft, except under the authority of, and in accordance with the provisions of, a maintenance organisation certificate issued under this Part.
- (b) No person shall carry out major maintenance on an aircraft component, or release to service an aircraft component after such maintenance, except under the authority of, and in accordance with the provisions of, a maintenance organisation certificate issued under this Part.
- (c) The Authority may grant a certificate authorising maintenance activities varying from that for an aircraft component to that for a complete aircraft or any combination thereof.

145.7 Application and Issue

- (a) An application for a maintenance organisation certificate shall be made on form CAA 2400 and submitted with the exposition required by 145.63.
- (b) Subject to 145.1(b), an applicant that -
- (1) is a fit and proper person; and
 - (2) pays any applicable fees or charges prescribed by regulations made under the Act; and
 - (3) provides an organisation exposition that is acceptable to the Authority; and
 - (4) meets all other requirements of Subpart B -
- is entitled to a maintenance organisation certificate.

145.9 Certificate Ratings

- (a) The maintenance organisation certificate specifies the ratings for which the certificate is issued.
- (b) The detailed scope of the certificate is specified in the organisation's exposition.

145.11 Display of Certificate

An organisation certificated under this Part shall display the certificate in a prominent place within the organisation's premises, generally accessible to the public, and shall produce the certificate to the Authority upon request.

145.13 Duration of Certificate

- (a) A maintenance organisation certificate may be granted or renewed for a period of up to five years.
- (b) A maintenance organisation certificate shall remain in force until -
 - (1) It is suspended or revoked; or
 - (2) It expires by virtue of exceeding any expiry date that may be specified in the certificate.
- (c) The holder of a maintenance organisation certificate that expires or is revoked, shall forthwith surrender the certificate to the Authority.
- (d) The holder of a maintenance organisation certificate that is suspended, shall produce the certificate to the Authority for appropriate endorsement.

145.15 Renewal of Certificate

- (a) An organisation certificated under this Part wishing to renew its certificate shall make an application on form CAA 2400.
- (b) The application shall be made prior to the application renewal date specified in the certificate or, if no such date is specified, not less than 30 days prior to the expiration of the certificate.

145.17 Safety Audit

Each holder of a maintenance organisation certificate is required to permit any person duly authorised by the Authority, to carry out an inspection of the organisation, in accordance with the Act, to determine compliance with this Part.

145.19 Exemptions

The Authority may exempt the holder of a maintenance organisation certificate from any requirement in this Part in accordance with the Act.

Subpart B - Certification Requirements

145.51 Facility Requirements

- (a) Each applicant for a maintenance organisation certificate shall provide facilities appropriate for all maintenance carried out by the organisation, ensuring in particular, protection from the weather. Specialised work areas shall be segregated as appropriate to ensure that environmental and work area contamination cannot occur.
- (b) The applicant shall provide office accommodation for the administration of its maintenance activities and, in particular, for the administration of its quality, planning and technical records.
- (c) The applicant shall ensure the working environment it provides is appropriate for the task carried out and, in particular, meets any special requirements specified in the applicable airworthiness data.
- (d) The applicant shall provide storage facilities for parts, equipment, tools and material required by the organisation. Storage conditions shall provide security for serviceable parts, segregation of serviceable from un-serviceable parts, and control deterioration of, and damage to, stored items.
- (e) The applicant shall establish procedures to enable compliance with the requirements in paragraphs (c) and (d).

145.53 Personnel Requirements

- (a) Each applicant for a maintenance organisation certificate shall have in its employment the following personnel:
- (1) a senior person, identified as the Chief Executive and acceptable to the Authority, who has the authority within the organisation for ensuring all activities undertaken by the organisation can be financed and carried out to the standard required by the Authority;
 - (2) a senior person, or group of senior persons, acceptable to the Authority, responsible for ensuring that the organisation complies with the requirements of this Part. Such nominated person (or persons) shall be ultimately responsible to the Chief Executive;
 - (3) sufficient personnel to plan, perform, supervise, inspect and certify maintenance work undertaken by the organisation.
- (b) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of its personnel involved in planning, performing, supervising, inspecting or certifying all maintenance work carried out.

145.55 Equipment, Tools and Material

- (a) Each applicant for a maintenance organisation certificate shall have the equipment, tools and material necessary to perform its authorised scope of work as required by the applicable airworthiness data, its exposition and this Part.
- (b) The applicant shall establish a procedure to control and where necessary calibrate tools, equipment and test equipment, at a frequency and to a standard acceptable to the Authority, to ensure serviceability and accuracy. Records of such calibrations and the standards used shall be kept by the maintenance organisation.

145.57 Airworthiness Data

- (a) Each applicant for a maintenance organisation certificate shall hold, and make available to all personnel who need access to it to perform their duties, all airworthiness data that is necessary to support the maintenance work that the organisation performs. This shall include all relevant data issued by-
- (1) the Authority; and
 - (2) aircraft design organisations; and
 - (3) aircraft component design organisations; and
 - (4) any other applicable design organisations.
- (b) The Authority may classify data from a foreign aviation Authority or organisation as mandatory and in such case the applicant shall hold such data.
- (c) The applicant shall establish a procedure to control and amend the data required by paragraph (a) and (b).
- (d) An applicant intending to produce its own airworthiness data, additional to that specified in paragraph (a), shall establish a procedure for producing and controlling such additional airworthiness data.

145.59 Maintenance Procedures

- (a) Each applicant for a maintenance organisation certificate shall establish maintenance procedures that ensure maintenance practices such that aircraft and aircraft components are released to service in an airworthy condition.
- (b) The applicant shall document and comply with all contractual maintenance obligations with air transport operators and establish procedures to ensure such compliance.
- (c) The applicant shall establish procedures for the procurement and acceptance of aircraft components or services from external sources.

145.61 Internal Quality Assurance

- (a) Each applicant for a maintenance organisation certificate shall establish internal quality assurance procedures to ensure compliance with, and the adequacy of, the procedures required by this Part.
- (b) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive on matters affecting airworthiness.

145.63 Maintenance Organisation Exposition

- (a) Each applicant for a maintenance organisation certificate shall provide the Authority with an exposition which shall contain:
 - (1) a statement signed by the Chief Executive, on behalf of the organisation, confirming that the exposition, and any included manuals:
 - (i) define the organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) will be complied with at all times; and
 - (2) the titles and names of the senior person or persons required by 145.53(a)(1) and (2); and
 - (3) the duties and responsibilities of the person or persons specified in paragraph (a)(2) including matters for which they have responsibility to deal directly with the Authority on behalf of the maintenance organisation; and
 - (4) an organisation chart showing lines of responsibility of the senior persons specified in paragraph (a)(2); and
 - (5) details of the organisation's human resources; and
 - (6) details of all locations where the organisation intends to conduct maintenance and the facilities at those locations; and
 - (7) a detailed description of the scope of work to be undertaken by the organisation; and
 - (8) details of the organisation's procedures required by-

- (i) 145.51(e) in respect of the provision of satisfactory environmental conditions; and
 - (ii) 145.51(e) in respect of the provision of satisfactory storage and segregation of parts; and
 - (iii) 145.53(b) in respect of competence of personnel; and
 - (iv) 145.53(b) in respect of on-going training of personnel; and
 - (v) 145.55(b) in respect of the control and calibration of tools equipment and test equipment; and
 - (vi) 145.57(c) in respect of the control and amendment of airworthiness data; and
 - (vii) 145.57(d) in respect of the publication of data; and
 - (viii) 145.59(a) in respect of the performance of maintenance; and
 - (ix) 145.59(b) in respect of contractual arrangements with air transport operators; and
 - (x) 145.59(c) in respect of the procurement and acceptance of aircraft components and services from external sources; and
 - (xi) 145.61 in respect of the internal quality assurance of the organisation; and
 - (xii) 145.107(a) in respect of the recording of maintenance carried out; and
 - (xiii) 145.107(c) in respect of the retention of maintenance records; and
 - (xiv) 145.109(a) in respect of the reporting of aircraft defects and un-airworthy conditions; and
 - (xv) 145.111(d) in respect of maintenance to be carried out at locations not listed in the exposition; and
- (9) procedures to control, amend and distribute the exposition.
- (b) The organisation's exposition must be acceptable to the Authority.

Subpart C - Operating Requirements

145.101 Continued Compliance

Each certificated maintenance organisation shall

- (a) hold at least one complete and current copy of the exposition at each work location authorised in the exposition; and
- (b) comply with all the procedures detailed in the exposition; and
- (c) make available each applicable part of the exposition to personnel who require those parts in order to carry out their duties; and
- (d) continue to meet the standards and comply with the requirements of Subpart B prescribed for an organisation seeking certification under this Part.

145.103 Certification of Maintenance

[The provisions of rule 145.103 are suspended until applied by notice in the *Gazette*. These provisions will come into force concurrently with Part 43 (General Maintenance Rules). Aircraft and aircraft components maintained under Part 145 shall continue to be certified under Regulations 169 and 174 of the Civil Aviation Regulations 1953. Certificates of compliance and a maintenance release will continue to be necessary.

Part 43 will introduce a certificate of release to service for the certification of aircraft and aircraft components after maintenance.]

- (a) A certificate of release to service shall not be issued unless the person issuing the certificate
 - (1) is appropriately authorised by the certificated maintenance organisation; and
 - (2) is satisfied that the maintenance to which the certificate refers has been properly carried out in accordance with this Part.

- (b) All certificates of release to service shall summarise the maintenance carried out, show the date such maintenance was completed, identify the maintenance organisation and give the identity, including authorisation reference, of the person issuing the certificate.

- (c) Unless specifically authorised by the organisation, certificates of release to service shall be issued only by persons meeting the qualification requirements of Part 65 D & E.

[Until Part 65 D & E come into force, certifying staff must, for the purposes of this requirement, comply with the current Regulations and Requirements (being principally New Zealand Civil Airworthiness Requirements Section L).]

- (d) The organisation may authorise persons not meeting paragraph (c) to issue certificates of release to service in order to-

- (1) authorise appropriately licensed and rated Type 1 licence holders to certify major maintenance; or

- (2) allow the holder of a certificate of competency to certify their own work; or

- (3) permit an unlicensed person to certify for work of limited scope and of a repetitive nature.

- (e) Persons granted authorisations under paragraph (d)(3) shall have a level of training, knowledge and experience, relating to the scope of the authorisation, at least equal to that required of a licensed aircraft maintenance engineer.

145.105 Record of Certifying Staff

- (a) Each certificated maintenance organisation shall maintain a record of all staff exercising certification privileges on its behalf. Such record shall include details of their experience, qualifications, training and current authorisations.
- (b) The record shall be retained for a period of two years from the date that the certifying

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person ceases to be authorised by the organisation.

- (c) The organisation shall provide its certifying staff with evidence of the scope of their authorisation.

145.107 Maintenance Records

- (a) Each certificated maintenance organisation shall record details of all maintenance work it carries out. The organisation shall establish a procedure for recording the work details.
- (b) The organisation's maintenance records for an aircraft shall, at all times, be available to the operator of that aircraft, and when requested shall be made available to the Authority.
- (c) The organisation shall retain a copy of its maintenance records for two years from the date the aircraft or aircraft component to which the work relates was released from the organisation. The organisation shall establish a procedure for retention of such maintenance records.

145.109 Reports on defects or un-airworthy conditions

- (a) Each certificated maintenance organisation shall report to the Authority, and to the design organisation, any defect or condition of an aircraft or aircraft component that could hazard the aircraft. The organisation shall establish a procedure for reporting such defects or conditions.
- (b) Where a certificated maintenance organisation is contracted to carry out maintenance the organisation shall, in addition, inform the operator or owner of the equipment of any such defect or condition.

145.111 Privileges of a Certificated Maintenance Organisation

- (a) A certificated maintenance organisation may maintain any aircraft or aircraft component for which it is certificated.
- (b) A certificated maintenance organisation may certify for release to service any aircraft or aircraft component for which it is certificated.

- (c) A certificated maintenance organisation may carry out maintenance at any location specified in the organisation's exposition.

- (d) A certificated maintenance organisation may carry out maintenance at locations other than those specified in the exposition if -

- (1) the need for the maintenance arises either solely from unserviceability of the aircraft or the maintenance is minor scheduled maintenance; and
- (2) the organisation complies with a procedure in its exposition for carrying out such maintenance.

145.113 Limitations on a Certificated Maintenance Organisation

- (a) A certificated maintenance organisation may not maintain an aircraft or aircraft component for which it is not certificated.
- (b) An organisation may not maintain an aircraft or aircraft component for which it is certificated unless it has available all the facilities, equipment, tooling, airworthiness data and certifying staff necessary to maintain the aircraft or aircraft component in accordance with its exposition and this Part.

145.115 Changes to a Certificated Maintenance Organisation

- (a) Each certificated maintenance organisation shall ensure that its exposition is amended so as to remain a current description of the organisation. In addition the organisation shall establish a procedure for amending the exposition.
- (b) The organisation shall ensure any amendments made to its exposition meet the applicable requirements of this Part and comply with the amendment procedures contained in the exposition.
- (c) The organisation shall, as soon as practicable, provide the Authority with copies of all amendments following their incorporation into the exposition.
- (d) Where a certificated maintenance organisation proposes to make a change to any of the following, prior notification to and acceptance by the Authority is required:

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- (1) the Chief Executive:
 - (2) the listed senior persons:
 - (3) the locations at which work may be carried out:
 - (4) the ratings for which the certificate is granted:
 - (5) the organisation's internal quality assurance system.
- (e) The Authority may prescribe conditions under which a certificated maintenance organisation may operate during or following any of the changes specified in paragraph (d).
- (f) Where any of the changes referred to in this rule requires an amendment to the certificate, the organisation shall forward the certificate to the Authority as soon as practicable.
- (g) The organisation shall make such amendments to its exposition as the Authority may consider necessary in the interests of safety.

Appendices

Appendix 1 : Rating of Organisations

Aircraft Ratings

- A1 Maintenance of Aircraft with a Maximum Certificated Take off Weight (MCTOW) of more than 13610 kg as defined in the organisation's exposition.
- A2 Maintenance of aircraft with a MCTOW of more than 5700 kg but not exceeding 13610 kg as defined in the organisation's exposition.
- A3 Maintenance of aircraft with a MCTOW of more than 2730 kg but not exceeding 5700 kg as defined in the organisation's exposition.

Component Ratings

- C1 Maintenance of aircraft engines and propellers as defined in the organisation's exposition.
- C2 Maintenance of aircraft components as defined in the organisation's exposition.

- C3 Maintenance of aircraft electrical equipment as defined in the organisation's exposition.
- C4 Maintenance of aircraft instrument equipment as defined in the organisation's exposition.
- C5 Maintenance of aircraft radio equipment as defined in the organisation's exposition.

Note: The specific definition of the organisations capability will be included in the Introduction to the exposition. This would need to be defined by the organisation at the time of application and agreed by the Authority. The listing could take the form of a schedule associated with the Certificate or of a separate Capability List which could form a separate appendix to the exposition.

Appendix 2 : Major Maintenance

Major Maintenance-Definition

1. Civil Aviation Regulations 1953 define major maintenance as "the overhaul, major repair or major modification of aircraft and aircraft components; and includes any work involving the extensive dismantling and re-assembly of aircraft or aircraft components and the fabrication of replacement parts in accordance with approved data".

This definition is accepted for the purposes of Part 145 until Civil Aviation Rules Part 1 comes into force. The definition will then be transferred to Part 1 and at that time the reference to Civil Aviation Regulations 1953 will be replaced with reference to Part 1.

2. This appendix provides amplification of the above definition.

3. Aeroplanes and rotorcraft

Major maintenance includes work involving any of the following:

- (a) Airframe dismantling and assembly operations requiring the use of jigs.
- (b) Bolted joints in primary structure requiring special techniques.
- (c) Complete riveted joints in primary structure.
- (d) Complete glued joints in primary structure.
- (e) Bonded assemblies in primary structure.
- (f) Fibre-reinforced plastic structures.
- (g) Welded and brazed joints.
- (h) Cotton, linen, polyester and glass fibre fabric covering of a complete fuselage or aerofoil.
- (i) The disturbing of individual parts or units which are supplied as bench tested units, except for the replacement or adjustment of items normally replaceable or adjustable in

service where subsequent functioning may be proved without the use of test apparatus additional to the test apparatus used for normal functional checks.

(j) Dismantling of rotorcraft transmission gear-boxes other than separation of casings to obtain access for inspection purposes, in accordance with manufacturer's instructions.

(k) Work classified by the manufacturer as overhaul work.

4. Powerplant

Major maintenance includes work involving any of the following:

(a) Dismantling and assembly of a piston engine other than to obtain access to the piston or cylinder assembly.

(b) Dismantling and assembly of a turbine engine other than work prescribed by the manufacturer as line maintenance, field replacement or module unit change.

(c) Disturbance of reduction gear.

(d) Propeller balancing except for "in-situ" dynamic balancing in accordance with the aircraft manufacturer's instructions.

(e) Welded or brazed joints.

(f) The disturbance of individual parts or units which are supplied as bench tested units, except for the replacement or adjustment of items normally replaceable or adjustable in service, where subsequent functioning may be proved without the use of test apparatus additional to the test apparatus used for normal functioning checks.

(g) Work classified by the manufacturer as overhaul work.

5. Electrical, instrument and radio

Major maintenance includes work involving the disturbance of individual parts of units which are supplied as bench tested units, except for the replacement or adjustment of items normally replaceable or adjustable in service, where subsequent functioning may be proved without the use of test apparatus additional to the test apparatus used for normal functional checks.

CONSULTATION DETAILS AND TRANSITIONAL ARRANGEMENTS

(This statement does not form part of the rules contained in Part 145. It provides details of consultation undertaken in making the rules and also explains transitional arrangements.)

Background to the Rules

In April 1988 the Swedavia - McGregor Report on Civil Aviation Regulation in New Zealand was completed. As a result, the Government enacted the Civil Aviation Act 1990 to implement the first stage of the report's recommendations. To implement the remaining recommendations of the report the Air Transport Division of the Ministry of Transport is undertaking a complete review of all existing civil aviation legislation.

Considerable research was carried out to determine the format for the new legislation. The Authority decided that the most suitable legislative framework should incorporate the advantages from the system being developed by the European Joint Aviation Authorities (JAA) and from the existing United States of America Federal Aviation Administration (FAA) system. The European Joint Aviation Requirements (JAR) are being structured in a manner similar to the Federal Aviation Regulations (FAR) of the FAA and aim to achieve maximum harmonisation whilst allowing for national variations.

New Zealand's revised requirements will be published, in several Parts, as Civil Aviation Rules (CAR). Each Part will set out a series of individual rules which relate to a particular aviation activity.

Accompanying each Part of the CAR will be at least one associated Advisory Circular (AC). These will expand, in an informative way, specific requirements of the CAR Part and show an acceptable means of compliance. For example, an AC will contain the minimum acceptable practice or practices which will be necessary to meet the rules.

The CAR numbering system is based on the FAR Part numbering system. As a general principle the subject matter of a CAR Part will harmonise with the FAR, although the title may differ to suit New Zealand terminology. Where a proposed CAR Part does not readily equate with a FAR number code, a number has been selected that does not conflict with any existing FAR Part.

The FAR has been used as the start point for the development of many of the CAR, but there are likely to be significant differences in the content of each Part of the Rules. The structure and content of Part 145 follows closely the content and arrangement of the latest draft of the JAA JAR-145 currently being produced by the Europeans. Changes have been made to conform to New Zealand legal practices and terminology.

The Swedavia - McGregor Report concluded that the objective of the new rules system must be to strike a balance of responsibility between the state authority and those who provide services and who exercise privileges in the civil aviation system. This balance must enable the state authority to maintain continuing regulatory control and supervision whilst providing the maximum flexibility for participants to develop their own means of compliance.

Section 7 of the Civil Aviation Act 1990 (the Act) provides for the requirement to hold an aviation document to carry out particular civil aviation activities. Section 12 of the Act requires the holders of such documents to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Notice of proposed Rule making

In order to provide public notice of, and opportunity for comment on, the proposed new rules, the Authority, on July 10 1991, issued Notice of Proposed Rule Making 91-5 under Docket Number 1001 NR. This Notice proposed the introduction of Civil Aviation Rules Part 145 to provide a regulatory boundary for the certification of organisations wishing to maintain aircraft used on air transport operations. The notice also asked for comment on whether it was appropriate to make the proposed rules applicable to all air transport operations, or to allow those aircraft of 5700 kg Maximum Certificated Take Off Weight and below to operate under a less onerous regime.

Supplementary information

All comments made on the Notice of Proposed Rule Making are available in the rules docket for examination by interested persons. A report summarising each substantive contact with the Air Transport Division contact person concerning this rulemaking has been filed in the docket.

Availability of the Document

Any person may obtain a copy of these rules by submitting a request to Air Transport Division, PO Box 31-441, Lower Hutt 6300, Attn Docket Clerk, or by calling 04 5600 410. Communications must identify the docket number of these rules.

Summary of comments to Docket Number 1001 NPRM

Fifteen written submissions and four oral or telephone comments were received. Thirty individual issues were raised by the commenters although some issues were raised by more than one commenter.

Only one commenter felt unable to support the proposed new rules in their entirety. This was on the grounds that they were an idealistic document, and their implementation would be likely to impose a significant additional cost on the organisations involved. This is contrary to the views of the Authority and most other commenters. Most of the requirements of the proposal already exist in the current regulations and New Zealand Civil Airworthiness Requirements. The main change is a philosophical one, requiring organisations to take a Quality approach to the management of their activities. Where this approach has been introduced into industries, including the aviation industry, considerable efficiency gains have been made with consequent cost savings. This is in addition to the improved quality of product, which in the aviation industry means improved safety.

Some of the organisations which are affected by Part 145 have indicated that they accept the direction it gives and several are pursuing accreditation under International Standards Organisation ISO 9000 as a logical extension of this acceptance. They believe that this will give them additional credibility in the eyes of their customers, particularly overseas, and so enhance their commercial prospects.

One commenter stated that the rules would impose significant extra cost on small maintenance organisations, such as those servicing aero clubs and small commuter or charter operators. This issue was addressed in the NPRM, and comments were requested on the proposal to limit the applicability of the proposed rules to aircraft with a Maximum Certificated Take Off Weight of more than 5700 kg or with ten or more passenger seats.

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No specific written response was received on this issue however informal consultation and the views of Authority staff responsible for implementation of the proposed Part 145 supported the argument that a cut off point is needed. Some concern was felt that the proposed weight break of 5700 kg would leave a relatively large number of aircraft in the 5 to 10 seat capacity outside of Part 145. These aircraft are mainly involved in regular public transport, charter, and scenic flight activities in the tourist sector.

In considering the consequences of any safety incident in this area of activity, the Authority formed the view that it was appropriate to apply the highest level of safety to these aircraft. It is also noted that several commuter airline operators indicated that the proposed weight break of 5700 kg would seriously disadvantage them. It would allow smaller transport aircraft, those with a passenger seating capacity of between five and ten persons, to compete directly against them but with a lower cost structure by virtue of not being required to comply with Part 145.

In order to meet these concerns, other options for defining applicability were explored. The next lower established weight break was determined to be that used by the FAA to define FAR Part 23 which is 2730 kg. This weight is also used by the United Kingdom Civil Aviation Authority to define applicability of their Light Aircraft Maintenance Scheme which covers the maintenance of aircraft below this weight.

The Authority has concluded from the above that by adopting the weight of 2730 kg as the lower limit of applicability for Part 145, the highest level of safety can be assured in regular public transport activities. This will at the same time allow some relaxation in the level of the organisational structure demanded of smaller organisations such as aero clubs and charter operators.

The Authority has therefore determined that Part 145 will apply to organisations intending to maintain aircraft used on Air Transport operations which have a Maximum Certificated Take Off Weight of more than 2730 kg. It will also apply to organisations carrying out the major maintenance of any aircraft component.

Of the remaining issues raised by commenters, nine are identified as general issues and relate to arrangement, terminology and definitions. These are discussed as follows:

1. One commenter expressed the view that the Authority should directly adopt either the US FAR or the European JAR documents. The reasoning being that the Authority is not inventing anything new and that cost savings could be made in this manner.

This option has been considered by the Authority in the rules writing process. However, in the case of FAR Part 145 the terminology used is not in general use in New Zealand and the legal system on which it is based is very different.

In the case of JAR 145 the document does not contain the detailed compliance information found in most regulatory codes. The JAA have agreed that in order to obtain agreement between the national authorities and to publish the document without delay it should be left in this form, applied in practice, and amended in the light of experience gained. The JAA is committed to early amendment of their rule.

The Authority in New Zealand was not faced with the conflicting viewpoints of other Sovereign bodies and thus the detail of FAR Part 145 was able to be incorporated as appropriate into our rules. In drafting our Civil Aviation Rules Part 145 the Authority has retained the intent of the JAR which in turn has been founded on the FAR. The Rules have been arranged in a way which meet the recommendations of the Swedavia McGregor Report and at the same time we have used the language and terminology which reflects New Zealand aviation and legal usage.

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2. Several commenters stated that the wording or terminology of the rules was authoritarian or legalistic or difficult to understand.

This is a legislative document which lays down boundaries for the control of entry into and exit from the aviation system. The rules are made under and supported by the Civil Aviation Act 1990. Failure to comply with a provision may constitute an offence or an infringement offence against the Act. The nature of, and the penalty for, each offence will be prescribed in regulations made under section 100 of the Act. Because of this the language and wording must be clear in the legal sense.

A considerable amount of consultation and drafting time has been spent ensuring that the rules meet these legal needs and at the same time provide a clear and understandable working document. The Authority believes that the language and terminology compare more than favourably with similar overseas codes.

3. Two commenters stated that the use of the term exposition was confusing and perhaps inappropriate.

With the adoption of the Quality Management approach in the writing of the new rules it was necessary to ensure that there was a clear distinction between the old and the new documentation. The term "exposition" is used in the European JAR's as meaning a manual or suite of manuals providing the necessary documentation and procedures for a Certificated organisation. The Authority considers that this term is appropriate and will achieve the objective of emphasising the new approach.

4. One commenter stated that the Authority should not involve itself in the extent and structure of the client organisation.

Section 15 of the Civil Aviation Act 1990 details the functions of the Secretary. These include: "(a) To establish procedures relating to entry into the New Zealand civil aviation system, and to exercise control over entry through the granting of aviation documents".

Section 12(3) states: "*Every participant shall ensure that the activities or functions for which the aviation document has been granted are carried out by the participant, and by all persons for whom the participant is responsible, safely and in accordance with the relevant prescribed safety standards and practices*". Further to this section 12(4) of the Act requires that every participant shall: "*if so required by the rules establish and follow a management system*"; "*shall provide training and supervision*" and "*shall provide sufficient resources*".

Part 145 requires, and provides the framework for, the establishment of a management system. In order for the client organisation to meet its responsibilities it is necessary for it to document its proposed activities and subsequently to comply with the documented procedures.

In order for the Authority to meet its obligations it is necessary for it to ensure that an intending participant has adequately documented how it will meet these standards and then to ensure that there is ongoing compliance with those standards and documents.

The Swedavia McGregor Report recommends that the Authority should limit its day-to-day involvement in an organisation holding an Aviation Document. This has been achieved by requiring the organisation to submit an exposition which reflects the individual way in which it will comply with the rules. The exposition forms the basis for the issue of the approval certificate and initial approval is conditional on acceptance of the exposition by the Authority.

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All certifications on behalf of the organisation are given on the basis of the organisation's authorisations, and only specified changes to the exposition need prior acceptance by the Authority. This represents a major "stepping back" by the Authority, once certification has been achieved, compared with present practice.

In considering the fact that it is necessary for each person having control of the privileges granted by an aviation document to meet the Fit and Proper Person requirements of the Act the Authority is, of necessity, involved, at least on initial entry, in accepting most aspects of an organisation's make-up or structure.

The Authority considers that the proposed Part 145 provides the minimum level of Authority involvement which is necessary to meet its obligations under the Act.

5. The Society of Licensed Aircraft Engineers and Technologists (NZ) stated that although the rule referred to "good" or "satisfactory" conditions or practices no clearly defined standards are published.

There are many standard practices in the area of aircraft maintenance which are already published by other authorities or by organisations such as the Aviation Safety Foundation. Where the rule requires a standard to be defined in the organisation's exposition then this can be done by reference to such a published standard. For instance, the exposition could state that the organisation's instrument workshop would comply with the standards defined in the UK Civil Aviation Authority Civil Aircraft Inspection Procedures BL/1-12 or that it would comply with the requirements of US Federal Aviation Administration Advisory Circular 43-15, either of which would provide an acceptable standard.

It is intended that some of the more commonly used standards will be published, as Advisory Circulars, with CAR Part 43 General Maintenance Rules, which is currently being drafted. These will probably include such items as Weight and Balance procedures, Propeller and Engine overhaul and testing procedures, and NDT procedures. Also included will be the New Zealand Civil Airworthiness Requirements Leaflet F6 Appendices.

A decision has not yet been reached on the exact number and content of these Advisory Circulars. Comment on whether these documents should be rewritten or incorporated by reference, and the subjects which should be addressed will be solicited when the NPRM for the proposed Part 43 is published.

6. The Society also suggested that the proposed Part 43 should be published before Part 145. The Authority does not disagree with this but there was seen to be an advantage in proceeding with Part 145 first, as there was a suitable pattern to follow in the JAR 145 document being developed by the European Authorities. The draft of the proposed Part 43 is well advanced and it is hoped that an informal document will be circulated to industry soon.

7. Two commenters raised a number of concerns about the way in which definitions have been dealt with in the rules. One suggestion was that defining words occurring within the text of the rule should be highlighted.

The Authority considers that this can tend to detract from the language of the rules by placing undue emphasis on the definition when in fact it may not be the subject of the particular rule text.

Another concern was with the definition in 145.3 of "aircraft component" which was considered to be too restrictive. It should be remembered that Part 145 applies only to the approval of Maintenance Organisation's and, as such, the definitions in the rules are relevant to this area of activity. It is true that "aircraft component" is included in the Act definition of

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"aeronautical product". However, this definition would also include products such as fuels, oils, and greases which do not need to be included in the definition for the purposes of Part 145. For this reason the sub-definition of "aircraft component" has been used.

This second commenter was also concerned that the definition failed to recognise the Type Certification status of propellers.

With regard to the inclusion or otherwise of propellers in the definition of "aircraft component", the same principle is applied as in the previous paragraph. The definition given includes propellers and the issue of Type Certification does not arise in this part. It is possible that a different definition will be required for Part 21 where Type Certification is addressed.

This commenter also stated that the "aircraft component" definition was deficient in that, unlike the definition in the 1953 Regulations, it did not include "airframes".

It is agreed that the definition of "aircraft component" should make specific reference to "airframes", and the definition has been amended accordingly.

The title of 145.9 has been changed to 'Certificate Ratings' to be more consistent with the content, and the wording of the rule amended to include the term "engines" in the definition of "aircraft component".

8. One commenter suggested that the wording used in the proposed AC 145.63(a) was inappropriate in requiring "compliance" with the exposition and the rules.

It should be clear that while the exposition is for "the use and guidance" of the organisation's staff it is also for the use of the Authority in establishing how the organisation will conduct its business. In order for the certificate to be issued the exposition must address the rule, and for the continuance of approval the organisation must comply with the exposition.

9. One commenter noted that 145.53(a)(2) requires that all of the nominated senior persons of the organisation be "directly responsible to the Chief Executive". The commenter considered that this removed the specific requirement for the Quality Manager, or Chief Inspector, to have access on airworthiness matters directly to an independent authoritative person within the company.

It is generally accepted that the senior persons or heads of departments within the organisation are *ultimately* responsible to the Chief Executive. It is also accepted that the Quality Manager must have *direct* access to the Chief Executive on matters affecting airworthiness, without the barrier of commercial considerations. The rules were intended to achieve this objective and it was spelt out in the Advisory Circular.

In order to make this intent clearer 145.53(a)(2) has been amended to state that the senior persons are *ultimately* responsible to the Chief Executive rather than reporting directly to him. An additional paragraph has been added to 145.61 to require a direct line of reporting from the Quality Manager to the Chief Executive.

Three issues were raised relating to the personnel requirements of the proposed rules.

1. Some larger organisations expressed concern regarding the requirements for Chief Executives and how this would be achieved in their organisations.

Further consideration has been given to this matter in relation to what the Authority seeks to achieve. It has been decided to make changes to the rules to more properly reflect the intent, therefore 145.53(a)(1) has been amended to read:

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"A senior person, acceptable to the Authority and identified as the Chief Executive who has the authority within the organisation to ensure that all activities undertaken by the organisation can be financed and carried out to the standard required by the Authority."

The Advisory Circular has also been amended to reflect this change in the rules.

The Advisory Circular has been further revised to allow for the structuring of some large organisations into a group of individual business units. Where this situation exists then the organisation has the option to nominate a person from the business unit as Chief Executive provided that person meets the prescription of 145.53(a)(1).

In conjunction with this change 145.53(a)(2) has been amended to read, "A senior person or group of senior persons, acceptable to the Authority, responsible...."

2. Air New Zealand and Pacific Aerospace Corporation expressed concern that they saw some diminution of the privileges presently granted under the existing NZCAR G5.

This is not the intention of Part 145. It is intended that the organisation will in fact have more discretion in terms of issuing authorisations to its staff. All required certifications given within the organisation will be on behalf of the organisation rather than on the basis of individual responsibility. All persons exercising this authority will need to be authorised by the organisation. Part 145 requires the organisation to have procedures to control the issue of these authorisations.

The Authority agrees that the provisions of NZCAR G5 had not been adequately addressed by Part 145 as published in the NPRM. It is also now considered that the requirements of 145.53(c) would be more appropriately located in Subpart C, the operating section of Part 145.

The requirement has, therefore, been relocated to become 145.103(c). The wording has been changed to allow the discretion of NZCAR G5 and the paragraph has been extended to cover the provisions of the existing NZCAR G5 which were not addressed previously.

Where the organisation wishes to use these provisions to authorise certification in a limited work area, such as in overhaul workshops or component areas, procedures will be required in the exposition similar to those which were required under NZCAR G5.

It is not intended that these provisions in any way replace the requirement for Aircraft Maintenance Engineer licences. They merely allow the organisation some discretion where the scope of work requiring certification is limited and it would be unreasonable to require a fully licensed person to make the required certification.

3. One commenter stated that the procedure required by 145.53(b) in assessing the competency of staff is not an appropriate matter for inclusion in the exposition.

The Authority agrees that the employment of staff is the company's responsibility. However, the Authority has the responsibility to ensure that the company has all the facilities it needs to safely carry out the function for which it holds an aviation document. This would necessarily include sufficient and suitably skilled personnel. The quality of the product, in this case a safe aircraft or aircraft component, is largely dependent on the individuals who carry out the required tasks.

The Authority does not wish to dictate who the organisation may employ, but it has a responsibility to ensure that procedures are in place to assure the quality of these persons. By accepting these procedures in the exposition the need for the Authority to become

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involved in the day to day running of this aspect of the organisation's business is greatly reduced. The Authority will generally only become involved should an audit or incident indicate nonconformity with the documented procedure or noncompliance with the rules.

Two issues were raised regarding the issue and renewal of documents as follows:

1. One commenter stated that the Authority should institute a system of issuing renewal notices for Certificates which are due to expire, similar to those used for vehicle registration.

The whole thrust of the new rules process which is currently being undertaken, is to shift the onus of responsibility for maintaining safety from the Authority to the participants in the aviation system. This proposal would seem to be at variance with the principle of encouraging participants to take responsibility for their own actions and there is no intention to institute such a system.

2. Two commenters and several informal respondents have stated that it would seem unnecessary to have terminating certificates when the Authority would be carrying out continuous audits during the period of validity. The commenters were also concerned that this requirement would be an additional cost and in fact could be viewed merely as a revenue gathering exercise.

The decision that all aviation documents should be terminating was taken as a result of the recommendations of the Swedavia - McGregor Report paragraph 13.3. Their recommendation was that no document should be valid for more than five years. This was based on the premise that there will have been sufficient change in that period of time, both in the industry and the organisation, to justify a reassessment in the form of a re-entry audit or inspection.

Under the current charges regulations there are no fixed charges for the issue or renewal of documents. All activities are charged on an hourly basis according to the required work input.

When a document falls due for renewal, a review of all the information on the client file will be carried out. If an audit has recently been carried out, this may show that the organisation is in compliance and that no further action is required to complete the renewal process.

It could be that the Authority planning system will note that the renewal is due and programme an audit visit to coincide with the renewal. Or, alternatively, that the review by the Authority indicates that only specific areas of the organisation need to be audited to verify compliance.

So it can be seen that the renewal is merely a "check point" in the audit process where the Authority will take stock of the organisation. It will ensure that any regulatory changes or policy changes have been considered by the organisation and provide an overall review of the organisation's documentation. It will not be used as a revenue gathering exercise.

Ten issues were identified as relating to the procedures section of the rule and the exposition content.

1. One commenter stated that the references to working conditions, such as temperature and noise considerations, were unnecessary as they were covered by other legislation.

These references were not intended to cover the personal safety aspects of those conditions but merely to highlight the fact that the conditions may impinge on the ability of personnel to adequately carry out a task and thus affect safety.

2. One commenter asked for clarification of the intent of 145.53(b) in respect of ongoing training.

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This provision is intended to ensure that the organisation has a procedure to assess the ongoing training needs of its staff. It is essential that technical staff are aware of changes to techniques and procedures relating to existing equipment, and that they are fully trained prior to the introduction of new aircraft or equipment.

3. Two commenters disagreed with the requirement of 145.55(a) that there should be a procedure for the approval of alternative means of meeting the manufacturer's tooling specification. One stated that this was unreasonable, the other that the exposition was the wrong place for such information.

It is currently required that organisations follow the procedures and practices of the aircraft or equipment manufacturer including the use of such special tooling as may be specified. Where there is a need or a desire to deviate from these recommendations then it is normal practice to request approval from the Authority either in the form of a concession or an amendment to the documented procedures.

Part 145 does not require that these matters be referred to the Authority. Procedures are required to be put in place so that the Authority can be sure that any deviation is properly assessed, documented and approved by someone with the necessary level of authority within the organisation. The only appropriate place for these procedures is in the exposition.

4. Several commenters made reference to the arrangement and content of Appendix 2 to the Advisory Circular which was compiled to show an acceptable means of compliance with the requirement to have an exposition.

Appendix 2 intends to show one means of compliance and there may be different formats which would satisfactorily meet the rules. However it is intended to revise Appendix 2 taking account of the comments received.

5. Several commenters made reference to the arrangement of ratings in Appendix 1 of the Advisory Circular. The Appendix will be revised prior to publishing the Advisory Circular and the comments will be taken into consideration at that time.

6. One commenter stated that 145.51(c), which requires procedures to be in place to cover the eventuality of work being carried out outside or away from the normal work environment, was unreasonable. The commenter stated that, in any case, this is an individual responsibility of the certifying engineer.

Section 12(3) of the Act states that, *"Every participant shall ensure that the activities or functions for which the aviation document has been granted are carried out by the participant, and by all persons for whom the participant is responsible, safely and in accordance with the relevant prescribed safety standards and practices"*.

The Authority considers, on this basis, that all activities within an approved organisation are the responsibility of the organisation. It is the organisation which authorises the certifying engineers to certify. If the organisation fails to provide its staff with an environment conducive to safety, or to provide the procedures to achieve the required quality of work, then it is not meeting its responsibilities.

In a quality management system it is a basic criterion that all activities are authorised and conveyed by documented procedures. In the situation such as that addressed by 145.51(c) the procedures provide the framework on which the certifying engineers can make their decisions.

7. One commenter stated that it was unnecessary to have specified more than one type of "Design Data" in 145.57(a).

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The Authority considers that it is essential to emphasise that the required data is not only that which is produced by the aircraft manufacturer. Data is also required for any equipment fitted which is not specified by the aircraft manufacturer. This could include normal customer specified equipment, modifications or repairs where the data relating to maintenance or repair of the item is not available in the aircraft manufacturer's documents.

8. The same commenter stated that the requirement of 145.115(d)(3), to seek the prior approval of the Authority in respect of the locations where the activities of the organisation would be carried out, is unnecessarily restrictive. The commenter also considered that this would require approval by the Authority for each item of sub-contract work carried out.

The Authority considers it essential that, in order to ensure the quality of the aviation product or service, the conditions under which it is produced are controlled. It is intended that 145.115(d)(1)(iii) will control the situation where an organisation is extending its operation or moving to new premises. In this case prior Authority acceptance of the new situation is essential for continuation of approval. Where the organisation is involved in using sub-contractors to provide some part of its product then the procedures for acceptance of the conditions under which the sub-contract work is to be done should be included in the exposition. In this case there is no need for Authority involvement once the procedures are in place to provide the assurance that the required standards will be met.

9. One commenter was unable to understand the relationship between 145.113 and the explanatory material in the Advisory Circular.

What 145.113 seeks to do is acknowledge the fact that at times it is likely that an organisation may not hold all the tools and equipment for all of the aircraft or components it is certificated to maintain.

Where equipment or tooling was part of the basis for granting a certificate, and in most cases specified in the exposition, then the organisation would no longer comply with the terms of its document if it is disposed of.

By making the statement of 145.113 provision is made by the Authority for the organisation to continue to operate, and the need to amend the certificate and exposition is avoided under such circumstances.

10. One commenter stated that the proposed numbering of forms such as applications for certification, or forms for the presentation of credentials for senior persons could be more appropriately numbered to reflect the rule sections to which they apply.

It is intended to use common forms, and thus form numbers, for all of the rule parts. This will allow standardisation and computerisation of the documents. All Aviation legislation is being rewritten and, for example, an application form for issue of an aviation document will apply right across the spectrum of aviation activities. It is expected that the Civil Aviation Authority will be a stand alone organisation by the time the final rules are issued, consequently the prefix CAA will be used for the forms and documents.

One commenter suggested that there could be some difficulties with implementation of the proposed new rules.

Part 145 will not be implemented in full immediately on becoming a final rule Part. Rather, the Authority expects new applicants to comply with the rules from that time but organisations currently engaged in activities covered by Part 145 will be given a specific time by which to apply for a certificate and show compliance with the new rule. Implementation and transitional arrangements are addressed at the end of this summary.

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Most existing organisations will not experience great difficulty in meeting the new Part 145 where they already comply with the existing Civil Aviation Regulation 176 and New Zealand Civil Airworthiness Requirements Leaflets D1 and D4. In fact many affected organisations have already moved, on an informal and elective basis, to bring their organisation and documentation into line with the proposals of Part 145.

Ansett New Zealand expressed concern that the introduction of a certificate of release to service as heralded by the wording of 145.103 did not address "the wider corporate responsibility of the air transport operator".

They pointed out that where a certificate of release to service is used, as in the United Kingdom system, there also exists a certificate of maintenance review. This document provides an assurance that the whole maintenance programme of the aircraft undergoes a periodic review.

Under JAR 145 the use of the certificate of maintenance review is discontinued. This action is also being adopted by the UK Civil Aviation Authority. JAR Part 145 only covers the approval of maintenance organisations. The responsibility for providing an ongoing review of maintenance rests with the aircraft operator and will be addressed in its approval document as part of its Quality Assurance system. For air transport operators in New Zealand this will also be the case. These provisions will be included in the maintenance section of the new Part 121 Operator Certification.

The proposed CAR Part 43 currently being drafted contains the provisions for the certificate of release to service. The need for a review of the overall maintenance status of privately operated aircraft will be achieved by means of the annual inspection. Until Part 43 comes into force the present arrangements for the certificate of compliance and maintenance release will remain for both air transport and private operators.

Two commenters suggested that the classification of ratings in Advisory Circular 145 Appendix 1 were inappropriate and at variance with definitions in the rule.

The Authority agrees and the ratings have been changed to be more in accord with the rules text.

Several commenters made suggestions to improve the content of Appendix 3 to Advisory Circular 145. Some of the technical requirements were not thought to be appropriate or not to reflect the current "state of the art" in computer technology. Clearer definition of security and storage provisions was considered to be necessary. The need to have a specific testing period was considered unnecessary as it would be evident that the system was performing satisfactorily. It was suggested that a manager or senior person needed to have clear responsibility for the running of any such system and that this should be included in the Duties and Responsibilities section of the exposition.

The Appendix has been redrafted taking account of these comments.

Conclusion

The Authority concludes that in the light of comments received the majority of industry participants are in favour of the direction and general content of the new rules. Specific issues which have been identified in the comments have been addressed and, where appropriate, changes have been made to meet the concerns raised. The comments and all background material used in formulating the rules are held on the docket file and are available for public scrutiny. Persons wishing to view the docket file should call at Aviation House, 1 Market Grove Lower Hutt and ask for docket file 1001

Implementation

The rules will come into force 28 days after their notification in the *New Zealand Gazette*. Applications for maintenance organisation certificates received after that date will be processed under Part 145 unless the applicant indicates that approval is requested under the existing legislation. Any approval issued under Regulation 176 will be for a limited period of validity and will expire concurrent with the date of amendment of Regulation 176 indicated below.

Transitional Arrangements

Existing holders of certificates of approval for maintenance issued under Regulation 176 of the Civil Aviation Regulations 1953 and New Zealand Civil Airworthiness Requirements Leaflet D1 and Leaflet D4 will be asked to indicate their intent to apply for certification under Part 145 within three months of the effective date of the rules.

This notification of intent will be the completion of application form CAA 2400 indicating when the organisation expects to be in a position to meet the rules in full. No further documentation will be required at that stage. Prior to the date indicated on the application form the organisation will be requested to submit all the documentation needed to show compliance. An assessment will be made of the organisation's documentation including the exposition required by this Part. If the documentation is found to be in compliance with the rules, arrangements will then be made to schedule a meeting and an entry control inspection to assess the organisation's facilities against the submission.

If the inspection is satisfactory then a maintenance organisation certificate will be issued, initially for a period not exceeding six months. An audit programme will be agreed between the organisation and the Authority at this time, and subject to satisfactory performance, the document will be renewed for a further period not exceeding five years.

Maintenance organisations to which Part 145 applies will be required to be operating under a Part 145 certificate within fifteen months of the date it comes into force. After that date all existing certificates of approval for maintenance issued under the present legislation will lapse. Any company authorisations issued under existing provisions will be void and will need to be replaced by authorisations issued under Part 145.

It is intended that Civil Aviation Rules Part 43 will be effective prior to the withdrawal of the legislation detailed below. Part 43 will make provision for the maintenance of all aircraft not covered by Part 145, including those of MCTOW of 2730kg and below used on air transport operations. In the interim those organisations not electing to apply for certification under Part 145 will continue under the existing conditions of their approval until Part 43 is effective.

Regulatory Evaluation

Legislation will be introduced at the date determined for full compliance with Part 145, to amend Civil Aviation Regulation 176 and to cancel New Zealand Civil Airworthiness Requirements D4.