



**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 *7<sup>th</sup>* 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 149, Amendment 2**

**Aviation Recreation Organisations – Certification**

*Docket 8/CAR/1*

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## **Rule objective**

The objective of amendment 2 to Part 149 is 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. These submissions and comments have been considered and as

a result a “full” SMS requirement for Part 149 was seen as inappropriate, and aviation events will be the only activity which requires hazard identification and risk management. See also *Consultation Details* on page 8.

### **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 2 to Part 149 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 — Certification Requirements

*Rule 149.61 is revoked and replaced by the following rule:*

### **149.61 Aviation events**

An applicant for the grant of an aviation recreation organisation certificate that authorises them to organise aviation events must establish procedures—

- (1) for ensuring compliance with Part 91; and
- (2) for identifying hazards to aviation safety, and ensuring that the associated risks are evaluated and managed.

*Insert rule 149.62 after rule 149.61:*

### **149.62 Transition arrangement**

- (a) An applicant for the grant of an aviation recreation organisation certificate that authorises them to organise aviation events is not required to comply with rule 149.61(2) until 1 February 2018.
- (b) This rule expires on 1 February 2018.

*Rule 149.65 is revoked and replaced by the following rule:*

### **149.65 Aviation recreation organisation exposition**

- (a) An applicant for the grant of an aviation recreation organisation certificate must provide the Director with an exposition which must contain, where applicable—
  - (1) a statement signed by the chief executive on behalf of the applicant's 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) are to be enforced at all times; and

- (2) the titles and names of the senior person or persons required by rule 149.51(a)(1), (2), and (3); and
- (3) the duties and responsibilities of the senior person or persons specified in rule 149.51(a)(1), (2), and (3), including matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
- (4) an organisation chart showing lines of responsibility of the senior person or persons specified in rule 149.51(a)(3) and extending to each location listed under paragraph (a)(6) of this rule; and
- (5) a description of the activities to be conducted under the certificate; and
- (6) the principal locations at which each activity will be conducted; and
- (7) a description of the facilities required by rule 149.53; and
- (8) details of the procedures required by—
  - (i) rule 149.51(b)(1) regarding the competence of personnel; and
  - (ii) rule 149.51(b)(2) regarding the exercise of any delegation held by a senior person or persons; and
  - (iii) rule 149.55(b) regarding the control and amendment of documentation; and
  - (iv) rule 149.57(a) regarding the identification, collection, indexing storage, maintenance, and disposal of records; and
  - (v) rule 149.59(a) regarding the assessment of personnel, the issue of certificates and ratings, and the review and maintenance of competency of certificate and rating holders; and

- (vi) rule 149.61 regarding the organisation of aviation events including the processes for hazard identification and risk management; and
  - (vii) rule 149.63 regarding the internal quality assurance of the organisation; and
- (9) procedures to control, amend, and distribute the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

**149.105 [Revoked]**

## **Consultation Details**

*(This statement does not form part of the rules contained in Part 149. 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. One oral response related to Part 149.

How does SMS work for Part 149 organisations?

*CAA Response: In response to industry feedback, a draft revision to Part 149 is being proposed that would require organisations with the privilege of authorising aviation events (rule 149.61) to identify hazards to aviation safety and evaluate and manage the associated risks. The proposed rule 149.63 requirement to comply with rule 100.3 would be withdrawn in this case.*