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# **Summary of Submissions Received on NPRM Part 99 — Drug and Alcohol Management Plans (DAMPs)**

August 2024

## Table of Contents

- 1. **General**..... 3
- 2. **Context of drug and alcohol management in the sector** ..... 3
- 3. **General summary of submissions and comments**..... 4
- 4. **Submissions related to the rules and CAA response** ..... 6
  - 4.1 Scope of certificate holders who are DAMP operators ..... 7
  - 4.2 Scope of safety-sensitive workers ..... 10
  - 4.3 Treatment of overseas safety-sensitive workers..... 11
  - 4.4 Concerns about cost to operators..... 12
  - 4.5 Grace period – operators with part-time/seasonal workers ..... 13
  - 4.6 Ability to establish random drug and alcohol testing ..... 15
  - 4.7 Approval process during the transition period (up to 4 April 2027) ..... 16
  - 4.8 Testable drugs in a future transport instrument..... 17
  - 4.9 Requirements for notification of results to the Director..... 18
  - 4.10 Record keeping..... 19
  - 4.11 Routine reporting [draft rule 99.19 and draft transport instrument]..... 20
  - 4.12 Process of renewing DAMPs and doing amendments..... 21
- 5. **Technical Changes to the Rule** ..... 22
- 6. **Summary of changes to the final rule (Part 99)** ..... 23
- 7. **Transport instrument – regular reporting**..... 25
- 8. **Advisory circular only comments**..... 27

## **1. General**

A Notice of Proposed Rule Making (NPRM) 24/CAR/2 was published on the CAA website for public consultation on 26 March 2024, with a submission close-off date of 10 May 2024.

The purpose of the NPRM was to consult on rules designed to support, and give effect to, provisions in the Civil Aviation Act 2023 (the 2023 Act) for drug and alcohol management plans and testing – specifically subpart 6 of Part 4, and clauses 24-31 in Schedule 1. The rules need to be in place well before 5 April 2025 (the 2023 Act’s commencement date) to allow those affected to prepare.

On 5 April 2025 a two-year transition period starts for the new regime. During this period existing certificate holders that meet the criteria for needing to develop drug and alcohol management plans, must submit their plans to the Civil Aviation Authority (CAA).

A copy of the NPRM was sent to:

- The Ministry of Transport;
- The Aviation Community Advisory Group (ACAG); and
- Internal CAA stakeholders.

The NPRM was notified to the industry by automatic email alerts.

This document considers all the submissions and comments made and sets out CAA’s response. In addition, CAA has identified some technical changes to the rules that are required, which have no impact on the outcomes. They are set out in section 5.

## **2. Context of drug and alcohol management in the sector**

Drug and alcohol management is not new to the aviation industry.

Those holding aviation documents for adventure aviation activities have had a mandatory requirement for a drug and alcohol programme since late 2012 – currently affecting 20 organisations. In the advisory circular associated with the relevant rule (refer Rule Part 115), drug and alcohol testing (including random testing) is one of the means of compliance and all the operators include it in their policies.

Safety Management System (SMS) requirements were introduced into the aviation sector in 2016, through rules. Drug and alcohol management is considered one element of the wider SMS of an organisation and many companies already include alcohol and other drug management and testing policies and procedures. Random testing is, however, neither mandatory, nor generally occurring.

Several of the biggest players in the industry (including Air New Zealand and Airways) have for some years been running comprehensive drug and alcohol testing regimes that include random testing. Others are considering such developments, but the extent of testing is not clear. The current rules do not require drug and alcohol testing and so it is not reported to CAA.

The 2023 Act provisions did not change substantially between consultation on an exposure draft of the bill in 2019 and the third reading of the bill in March 2023. During the parliamentary process the provisions were predominately supported – although there were questions about

who should pay and concerns were raised about the cost impact and practicalities for smaller operators.

### **3. General summary of submissions and comments**

A total of 14 submissions were received: 11 organisations and 3 individuals.

Most submissions supported the provisions or recognised that drug and alcohol testing is a necessary part of aviation safety.

Some submissions were opposed to the rules in principle, taking positions that:

- Additional rules are unnecessary as drug and alcohol management is covered by an operator’s Safety Management System (SMS) in CAR Part 100 and additional requirements can be included in the associated advisory circular so the DAMP is not standalone.
- The responsibility for testing of drugs and alcohol needs to be placed on the regulator and not on the industry – for the government to permit drugs and alcohol in our society and then enforce industry testing regimes, is untenable and unenforceable.

CAA’s response to not having any rules, is that the 2023 Act requires rules to be in place to specify who is a DAMP operator. The requirement to produce DAMPs and notify CAA only get triggered once it is clear who are DAMP operators. However, the value of integrating drug and alcohol testing into existing SMS arrangements is fully supported. Giving DAMPs their own new rule part, rather than incorporating them into Part 100, recognises the status of random testing in primary legislation.

Below is a summary of submission themes, with a reference to where they are discussed in detail. The structure of this document is:

- Submissions that are directly or indirectly related to the draft rules - discussed in section 4. This is the prime focus of this summary of submissions document - explaining the changes between the NPRM proposal and the final rules.
- Submissions related to the draft transport instrument (which was included in the NPRM) – discussed in section 7. Although the Director will be responsible for confirming the transport instrument rather than the Minister of Transport, the detail of the reporting transport instrument is a key part of the proposal.
- Submissions focused on the associated draft advisory circular:
  - if related to the draft rules - covered in section 4 or,
  - where solely related to the advisory circular guidance – covered in section 8.

The advisory circular, and the DAMP template it contains, will be finalised by CAA after the Minister confirms the rules.

## Submission themes

- Support, opposition or queries on the scope of certificate holders (**see 4.1**), including:
  - mixed views on uncrewed aircraft (Part 102 certificate holders) - seeking their inclusion or support for excluding them
  - support for the two aerodrome (Part 139) certificates being listed
  - asking for legal certainty and a new rule that states which certificates and activities are specifically excluded the regime
  - suggesting Part 146, 147 and 148<sup>1</sup> organisations have drug and alcohol requirements in their SMSs rather than be DAMP operators, and
  - queries about the treatment of certain personnel (including LAMEs and CAA staff) and organisations.
- Scope of those considered “safety-sensitive workers”:
  - seeking more guidance on workers doing indirect safety-sensitive work or part time work (**see 4.2**), and
  - seeking guidance on treatment of overseas safety sensitive workers (**see 4.3**).
- Cost on operators (**see 4.4**), including that:
  - costs on an aerodrome will have to be recouped through increased charges
  - the burden of cost will be highest for small operators in remote locations
  - on the option of ‘club costs’, concern that CAA has not properly understood how many of the small operators function
  - cost estimates are too low, and
  - a proposal that people working for multiple DAMP operators have a grace period after a test (**see 4.5**).
- A proposal for ensuring real random testing for small operators (1-3 people) and the risk of sanctions if non-compliant (**see 4.6**).
- The DAMP approval process time frames and resource constraints (**see 4.7**).
- Use of a transport instrument to set out testable drugs (**see 4.8**).
- More limited information required by CAA when a DAMP operator notifies the Director (and related keeping of records) (**see 4.9 and 4.10**).
- Annual reporting and the draft transport instrument – submission in support and against (**see 4.11 and section 7**).

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<sup>1</sup> Respectively aircraft design, maintenance training and aircraft manufacturing organisation certificates.

## Summary of Public Submissions *NPRM Part 99 — Drug and Alcohol Management Plans (DAMPs)*

- Concern about ongoing renewal/amendment processes, and associated costs (**see 4.12**).
- Advisory circular specific comments (**see section 8**), including:
  - o support, in principle, for an ‘off the shelf’ model DAMP
  - o seeking reference to opportunities for rehabilitation and recognition of existing support, for CAA to provide safety management education generally
  - o seeking amendments to references to disciplinary procedures and consultation
  - o support for inclusion of prescription drugs as drugs that can be tested for, and
  - o seeking clarity on treatment of non “safety-sensitive workers”.

Submissions and comments are considered in sections 4, 7 and 8 below.

The exception to this is a submission that asked about the treatment of CAA staff generally. Drug and alcohol testing of CAA staff is out of scope of the Act’s regime which focuses on certificate holders. However, CAA is mindful of the perception that treatment of those in the aviation sector needs to be equitable.

### **4. Submissions related to the rules and CAA response**

For each theme the following is described:

- the NPRM proposal and relevant rule references
- comments from submitters - support or opposition to the rules and, if included, the relief sought, i.e. changes sought to the rule
- CAA’s response – answering questions of clarification or commenting on the feasibility of the relief sought as appropriate
- the proposal for the final rule, and
- impact on the advisory circular if relevant.

If no submissions were received on a particular draft rule it is not included.

#### 4.1 Scope of certificate holders who are DAMP operators

<p><b>Proposal in the NPRM</b></p>	<p>The scope of certification covered [seventeen certificates], which is a required criterion for being a DAMP operator, is listed in draft rule 99.5 (a).</p>
<p><b>Comments from submitters</b></p>	<p>Specific support for the two Part 139 certificates being within scope.</p> <p>UAV<sup>2</sup> operations often pose a risk to 3<sup>rd</sup> parties and property so are safety sensitive activities. As size of UAVs (with Part 102 certificates) increase so will the risk.</p> <p>Support for the option in the NPRM<sup>3</sup> that DAMP operators encompass all commercial operations with Safety Management Systems but noting that DAMPs should extend to safety-sensitive activities beyond those certificate holders required to have SMSs – i.e. extend to Part 102 certificate<sup>4</sup> holders.</p> <p>Seeking clarification - submitters express concern about the gap between the list of DAMP operators<sup>5</sup>, a literal interpretation of section 113 of the Act and the silence as to the precise state of other certificate holders in the system. Some submitters argued that some operators (particularly those with Part 102, 149 or 103 operator certificates<sup>6</sup>) might be required to have a DAMP even though this is not the intention of the rules.</p> <p>A submitter is concerned that the wording around equipment, maintenance and installing of components in the advisory circular guidance on “safety sensitive activities”, captures equipment importers/distributors that sit outside of the 149 organisations.</p> <p>A submitter highlighted that Part 19F supply organisations work in safety-sensitive activities, and queried why they were not included. Part 19F companies deliver aviation fuel, work within the airfield perimeter, and vet parts (ensuring parts that come in from overseas are not bogus or ‘suspect unapproved parts’).</p>

<sup>2</sup> Unmanned Aerial Vehicle

<sup>3</sup> Refers to option (b) in 5.1, page 10 of NPRM

<sup>4</sup> Part 102 Unmanned aircraft operator certificate holders are not required to have an SMS.

<sup>5</sup> Draft rule 99.5(a)

<sup>6</sup> Part 102 Unmanned Aircraft Operator certification, Part 149 Aviation Recreation Organisations Certification and Part 103 Microlight Aircraft Operating Rules

	<p>A submitter questioned why Part 146, 147 and 148 organisations<sup>7</sup> are included, noting they are not large, and commonly not directly involved in installation of products on aircraft.</p> <p>A submitter asks whether a restricted maintenance training organisation certificate under Part 147 triggers a DAMP requirement.</p> <p>A submitter asks who is going to monitor the Part 66 LAMEs<sup>8</sup> – they are working in a safety critical area and are not included in the DAMP process.</p> <p>Relief sought:</p> <ul style="list-style-type: none"> <li>- Extend the testing regime to cover Part 102 certificate holders – i.e. unmanned aircraft (noting these same submitters sought Part 100 be the mechanism).</li> <li>- Add to rule 99.5 the following <i>“An aviation recreation organisation holding a certificate issued under rule 102.7 or rule 149.7 or a microlight organisation holding a certificate issued under Part 103, that was current on 1 April 1997, is not a DAMP operator.”</i></li> <li>- Add an exemption: <i>“An aviation recreation organisation holding a certificate issued under rule 149.7... ..., that was current on 1 April 1997, is not a DAMP operator.”</i></li> <li>- For 115 and 149 [certificate holders] that rules clearly <i>“exempt hang gliders and paragliders, including associated equipment, from being captured under safety-sensitive activities outlined under 4.1 [of the AC] and any other requirements for the sale of HG/PG gliders and associated equipment, maintenance or installation of any components.”</i></li> <li>- Clarify that AvSec is included, as Part 140 certificates are listed in 99.5(a), and although AvSec won’t have a certificate under the 2023 Act, section 139 of the Act provides for the rules to apply.</li> <li>- Consider requiring Part 146, 147 and 148 organisations to have drug and alcohol requirements in their SMSs rather than be DAMP operators.</li> </ul>
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<sup>7</sup> Respectively aircraft design, maintenance training and aircraft manufacturing organisation certificates.

<sup>8</sup> Part 66 Aircraft Maintenance Personnel Licensing and LAME is the term used to describe someone with an aircraft maintenance engineer licence issued under that Part.



<p><b>CAA response</b></p>	<p>The reasoning behind not including 102 (unmanned/uncrewed) operators is that further work is required on these operations generally. The 2023 Act provisions are designed to support existing controls on impairment. The uncrewed aircraft rules (which cover both recreational and commercial use) do not currently dovetail well with the 2023 Act provisions and a more general review of the rules is required.</p> <p>CAA did not anticipate submitters would suggest that a rule was required to specifically exclude some certificate holders – i.e. a concern that they might, by default, be included. This suggests that the advisory circular needs to be clearer.</p> <p>In regard to treatment of other current certificate holders: under the proposed rules:</p> <ul style="list-style-type: none"> <li>- The AvSec function within CAA will not be a DAMP operator under the Act. The 2023 Act (section 113) requires a DAMP operator to hold an aviation document. Although AvSec will comply with aviation rules, including Parts 12 and 140, as if it did hold a certificate, the Act’s DAMP operator requirement is different. The CAA is working through how AvSec can meet equivalent requirements to those that DAMP operators will need to meet after 5 April 2027, when DAMPs come into effect.</li> <li>- On 146, 147 and 148 operations, CAA is aware that an organisation with such a certificate does not necessarily have safety-sensitive workers. Including them in the scope of DAMP rule 99.5 recognises that what these certificate holders do as an operation is important for aviation safety and there are no valid reasons to exclude them all from being DAMP operators. The definition of safety-sensitive activity (and safety-sensitive worker) will be the determining factor as to whether they are identified as potential DAMP Operators. The organisation may self-identify or CAA may determine that it meets the Act criteria. In either situation, the organisation is a DAMP operator.</li> <li>- On 19F operators,<sup>9</sup> CAA has determined that the most appropriate way of recognising the risk of workers engaged to Part 19F companies being impaired while doing safety-sensitive activities (such as refuelling aircraft) is to encourage a commitment to managing drug and alcohol use as part of contractual arrangements.</li> </ul>
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<sup>9</sup> Supply organisations (for example fuel deliveries) with certificates under rule 19.303.

**Summary of Public Submissions *NPRM Part 99 — Drug and Alcohol Management Plans (DAMPs)***

	<ul style="list-style-type: none"> <li>- On Part 66 LAMEs<sup>10</sup>, individual licence holders will not be DAMP operators. But, if an individual or company is contracted to do work for an organisation that is a DAMP operator (e.g. a Part 119/121 air operator or a Part 139 aerodrome), they are likely to be considered “safety-sensitive workers” – hence potentially subject to alcohol and drug testing.</li> <li>- On Part 147 restricted maintenance training organisation certificate, certificates under rule 147.53 are not included in the list in rule 99.5 (a). Guidance can make this clearer.</li> </ul>
<b>Proposal for final rule</b>	No change to the proposed rule.
<b>Advisory Circular</b>	Add to the advisory circular advice that certificates that are not listed are not indirectly caught by a literal reading of the 2023 Act definitions.

**4.2 Scope of safety-sensitive workers**

<b>Proposal in the NPRM</b>	<p>Guidance in the advisory circular backs up the 2023 Act definition in section 113.</p> <p>The advisory circular guidance does not include reference to the amount of time someone spends doing ‘safety-sensitive activities’ to qualify.</p>
<b>Comments from submitters</b>	<p>The decision to include someone as a safety-sensitive worker will not always be easy or simple – balancing possible reduction in risk against imposition on the employee.</p> <p>In a small operation (including small aerodromes) the proportion of days a year that someone is doing safety-sensitive work may be very small.</p> <p>On whether ‘safety-sensitive activities’ should be prescribed/defined, a submission states that it is not for CAA to interpret the definition and prescribe what they think it means. Rather, CAA should provide guidance on what it thinks it means and allow operators to comply.</p> <p>Relief sought:</p> <ul style="list-style-type: none"> <li>- Add to the advisory circular, guidance on those working for third party organisations contracted to a DAMP</li> </ul>

<sup>10</sup> Licensed Aircraft Maintenance Engineer under Part 66.

	<p>operator – clarifying that they are not “safety-sensitive workers” under the 2023 Act definition.</p> <ul style="list-style-type: none"> <li>- Include guidance on how often (or for how long) within a time period (e.g. a year) a worker must be doing safety-sensitive work - and hence be a “safety-sensitive worker”.</li> <li>- Consider including in the advisory circular a list of roles that CAA interprets as safety-sensitive worker roles, and providing more detail on categorising those doing indirect activities (e.g. consider flight service operators, office-based dispatchers, designers and weather forecasters).</li> </ul>
<b>CAA response</b>	<p>CAA agrees that additional guidance may be helpful, to cover persons who undertake ‘safety-sensitive activities’ periodically. Any testing regime will need to reflect a fluctuating workforce.</p> <p>The intent of the DAMP regime would be achieved if the person doing the safety-sensitive activity understood that on the days they are assigned safety-sensitive work they are potentially subject to random testing, but not on other days. This affects the “randomness” of the testing and the scope of “safety-sensitive workers” captured at that time.<sup>11</sup></p> <p>There is already guidance on both third-party contractors in the draft advisory circular and a list of ‘safety-sensitive activities’.<sup>12</sup></p>
<b>Proposal for final rule</b>	No change to proposed rules.
<b>Advisory Circular</b>	Add into the advisory circular more guidance to assist operators to understand their legal obligations and the design options for random testing.

### 4.3 Treatment of overseas safety-sensitive workers

<b>Proposal in the NPRM</b>	Not covered specifically in the NPRM.
<b>Comments from submitters</b>	<p>Concern about legislation in the country where a safety-sensitive worker is based.</p> <p>Relief sort:</p>

<sup>11</sup> Note the alternative to this scenario is where an organisation applies random testing across its workforce. Having a wider scope of affected workers is the choice of the operator.

<sup>12</sup> Pages 11 and 12 in the draft advisory circular.

	<ul style="list-style-type: none"> <li>- That if the rules are intended to cover internationally based workers, that CAA provide additional information on other country relevant legislation.</li> </ul>
<b>CAA response</b>	<p>A few organisations will need to consider workers (employees and those on individual contracts) based overseas.</p> <p>Companies operating internationally under NZ authorisations – for example, Part 119 certificate – are required to comply with NZ law even when overseas. However, local regulations are also relevant to those operations.</p>
<b>Proposal for final rule</b>	No change to proposed rules.
<b>Advisory Circular</b>	Add into the advisory circular advice on how DAMP design may need to consider the location of workers outside New Zealand and local regulations such as applicable national employment law when employing locals in another jurisdiction.

#### 4.4 Concerns about cost to operators

<b>Proposal in the NPRM</b>	The NPRM commented that costs associated with being a DAMP operator include: conducting testing and reporting, and consequences of a worker having a non-negative test.
<b>Comments from submitters</b>	<p>Costs of the regime on an aerodrome will have to be recouped through increased aviation charges to the airport’s customers.</p> <p>The burden of cost will be highest for small operators in remote locations.</p> <p>Regarding the option of ‘club costs’ – a submitter is concerned that CAA has not properly understood how many of the small operators function.</p> <p>Some submitters consider the cost estimates in the NPRM too low. Rather than the cost of testing being “<i>around \$40 - \$100 per test depending on the form and scope of the test</i>” quoted in the NPRM, a submission notes an example of around \$200+GST per test plus induction costs.</p> <p>Concern about attrition in the sector as a result of the testing.</p> <p>Relief sought:</p> <ul style="list-style-type: none"> <li>- Consider reviewing the NPRM and the advisory circular to encourage the proactive use of rehabilitation programs and strategies by DAMP operators with a view to minimising permanent attrition of license holders from the sector.</li> </ul>

<b>CAA response</b>	<p>Costs affecting operators was a common theme. The lack of specific remedies listed above is not reflective of the number of comments. Submissions cited cost as a concern and sought changes in regard to the scope of certificate holders affected, the level of regular reporting, and gave support for an “off the shelf” DAMP template.</p> <p>New Zealand has the benefit of the experience of Part 115 Adventure Aviation operators – many of them small family-based operations and/or reliant on a transient work force. They have had drug and alcohol programmes for many years.</p> <p>Most submissions are not seeking changes to the rules because of implementation costs, but cost is a factor supporting their general comments and concerns about practicalities.</p>
<b>Proposal for final rule</b>	No change to proposed rules.
<b>Advisory Circular</b>	Add to the advisory circular, as appropriate, effective random testing arrangements that are low cost.

#### 4.5 Grace period – operators with part-time/seasonal workers

<b>Proposal in the NPRM</b>	The draft rules and associated guidance are silent on the ability of a safety-sensitive worker to be given a grace period post a negative test result.
<b>Comments from submitters</b>	<p>Related to costs on operators: a submission noted that adventure aviation workers may work part-time with different operators and those operations are small in nature – i.e. a sole owner operator reliant on seasonal workers. It would be onerous for each company to test the same person or persons within a set time period.</p> <p>Relief sought:</p> <ul style="list-style-type: none"> <li>- That a pilot’s DAMP test be valid for a minimum of at least 90 days and can be used between different industries/organisations, similar to the way first aid certificates or medicals can be accepted as being current.</li> </ul>
<b>CAA response</b>	<p>Random testing, by its nature, means that a person may be tested multiple times within a time period or not at all. The 2023 Act regime does not have the premise that every worker of a DAMP operator gets tested.</p> <p>Under the rules an individual may be considered a safety-sensitive worker under more than one DAMP. But that doesn’t mean that they will be subject to a random test by every such</p>

**Summary of Public Submissions *NPRM Part 99 — Drug and Alcohol Management Plans (DAMPs)***

	operator within a certain time frame. Hence a DAMP operator does not need to meet the cost of carrying out a test for every worker.
<b>Proposal for final rule</b>	No change to proposed rules.
<b>Advisory Circular</b>	Add into the advisory circular guidance on circumstances of fluctuating/seasonal work forces.

#### 4.6 Ability to establish random drug and alcohol testing

<b>Proposal in the NPRM</b>	The rules do not differentiate between different sized organisations, their structure, or location.																		
<b>Comments from submitters</b>	<p>Concern about ensuring real random testing for the many small (1-3 person) operations.</p> <p>Questions availability of persons competent to conduct testing across the length and breadth of New Zealand.</p> <p>A submitter asks whether an operator who can't access an appropriate service will be subject to sanctions or required to spend whatever is necessary. Both scenarios have issues (respectively punishing an operator for matters outside their control and creating an economic burden of the DAMP programme).</p> <p>Relief sought:</p> <ul style="list-style-type: none"> <li>- The submitter proposes design features based on the World Anti-Doping Code<sup>13</sup></li> </ul> <table border="1" data-bbox="517 1021 1409 1758"> <thead> <tr> <th>Process</th> <th>WADA Structure</th> <th>Possible Part 99 Structure</th> </tr> </thead> <tbody> <tr> <td>Planning of testing</td> <td>Neither the athlete nor the athlete's national body takes any part in planning a test.</td> <td>The operator takes no part in planning a test</td> </tr> <tr> <td>Conduct of testing</td> <td>Organisations are accredited by WADA to conduct testing</td> <td>Organisations or persons are accredited by CAA NZ to conduct testing</td> </tr> <tr> <td>Location of testing</td> <td>Athletes are required to supply, through an online database called ADAMS, information as to where they can be located for one-hour of every day for a defined period of months</td> <td>Small operators provide on-line details of their location for a defined period, eg Monday and Friday for three months each year</td> </tr> <tr> <td>Absence from testing</td> <td>If an athlete is not present when a testing officer turns up at their nominated location within the nominated time frame, this absence is counted as a "missed test". If this situation occurs again (a repeat absence) then this is sanctioned under the WADA provisions.</td> <td>A "missed test" under Part 99 might initially be considered as an educational opportunity and the operator encouraged to ensure they keep their on-line diary up to date. A second "missed test" might be considered as a "refusal to consent".</td> </tr> <tr> <td>Payment for testing</td> <td>The athlete's national body pays for the actual test</td> <td>The organisation would pay for the test, but have no other relationship with the CAA accredited testing person</td> </tr> </tbody> </table> <p><i>Table 1: Possible testing regime for small operators, compared to WADA testing, to ensure testing is truly random</i></p>	Process	WADA Structure	Possible Part 99 Structure	Planning of testing	Neither the athlete nor the athlete's national body takes any part in planning a test.	The operator takes no part in planning a test	Conduct of testing	Organisations are accredited by WADA to conduct testing	Organisations or persons are accredited by CAA NZ to conduct testing	Location of testing	Athletes are required to supply, through an online database called ADAMS, information as to where they can be located for one-hour of every day for a defined period of months	Small operators provide on-line details of their location for a defined period, eg Monday and Friday for three months each year	Absence from testing	If an athlete is not present when a testing officer turns up at their nominated location within the nominated time frame, this absence is counted as a "missed test". If this situation occurs again (a repeat absence) then this is sanctioned under the WADA provisions.	A "missed test" under Part 99 might initially be considered as an educational opportunity and the operator encouraged to ensure they keep their on-line diary up to date. A second "missed test" might be considered as a "refusal to consent".	Payment for testing	The athlete's national body pays for the actual test	The organisation would pay for the test, but have no other relationship with the CAA accredited testing person
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<sup>13</sup> This code was used by the Fédération Aéronautique Internationale<sup>1</sup> (FAI), recognised by the International Olympic Committee, in order to manage out-of-competition and in-competition testing for aviation sports internationally.

<b>CAA response</b>	<p>The alternative options proposed helpfully raises questions about how the DAMP system might work in practice. Some elements are not however feasible. This includes CAA taking on the role of accrediting testers.</p> <p>Some options may not actually save the operator any money, depending on design. This is particularly the case if the option is reliant on CAA setting up a third-party testing arrangement separately from the operator.</p> <p>Some matters CAA can explore separately from confirming the rules, as they are options for implementation. This includes the scenario of a “missed test” if it is likely that it is deliberately missed.</p> <p>As to the availability of persons able to conduct testing in New Zealand, CAA understands that the existing drug and alcohol testing services are well able to meet demand. Plus, some testing (particular screening procedures) can be conducted with limited training, and does not require a qualification.</p> <p>On the question of sanctions, no new offences are associated with the DAMP regime. Although some existing offences would apply,<sup>14</sup>the regime is not designed to be punitive.</p>
<b>Proposal for final rule</b>	No change to proposed rules.
<b>Advisory Circular</b>	Add to the advisory circular more guidance on how random testing arrangements would meet the 2023 Act requirements.

#### 4.7 Approval process during the transition period (up to 4 April 2027)

<b>Proposal in the NPRM</b>	Draft rule 99.9 establishes two deadlines for ‘current DAMP operators’ <sup>15</sup> to submit their DAMPs for approval (Group one by 1 October 2025 and Group 2 by 1 July 2026)
<b>Comments from submitters</b>	Consider it a reasonable time frame – but note the submitter is not a DAMP operator. <sup>16</sup>

<sup>14</sup> For example, the offence associated with compliance with exposition procedures would apply because DAMPs become part of expositions under the proposed rule 99.9(b) after 5 April 2027. See [Schedule 1](#) of Offences Regulation 2006, noting that this will be remade under the 2023 Act.

<sup>15</sup> The term ‘Current DAMP operator’ is defined in Schedule 1 of the 2023 Act. It means a person/organisation who is a DAMP operator on 5 April 2025 due to the certificate they hold and the safety-sensitive activities involved (refer s113 of the Act and proposed rule 99.5.)

<sup>16</sup> No submissions were received saying that the proposed time frame for submitting DAMPs could not be met.



	<p>Concern, given resource constraints within the CAA, that approving all the DAMPs by 4 April is not an achievable target and there is a risk of a bottle neck.</p> <p>Relief sought:</p> <ul style="list-style-type: none"> <li>- No specific relief sought.</li> </ul>
<b>CAA response</b>	<p>The rules deliberately mimic the introduction of the SMS regime, although DAMPS are not as complex. The requirements to submit the plans to CAA are phased to avoid them all arriving at the same time.</p>
<b>Proposal for final rule</b>	<p>No change to proposed rules.</p>

#### 4.8 Testable drugs in a future transport instrument

<b>Proposal in the NPRM</b>	<p>Draft rule 99.7 provides for a future transport instrument made by the Director to set out drugs to be tested for.</p>
<b>Comments from submitters</b>	<p>A submitter emphasised that a future transport instrument will need to be carefully considered, a well distributed instrument, and suitably comprehensive and timely. This is to avoid unintended non-negative test results and consequential discrimination against workers.</p> <p>Relief sought:</p> <ul style="list-style-type: none"> <li>- No specific relief sought.</li> </ul>
<b>CAA response</b>	<p>The submission might be interpreted to mean that there is no required testing of drugs until there is a future transport instrument. That is not the effect of the rules.</p> <p>In the absence of such a transport instrument, a DAMP operator would put a list of drugs in its DAMP. In the advisory circular CAA advise that referencing the list of drugs in the NZ/Aus standards would be a means of meeting the requirement.</p> <p>Any future transport instrument listing testable drugs will be carefully considered and communicated.</p>
<b>Proposal for final rule</b>	<p>No change to proposed rules.</p>

#### 4.9 Requirements for notification of results to the Director

<b>Proposal in the NPRM</b>	The 2023 Act (sections 117 (3) and 118(2)) requires a DAMP operator to notify the Director of non-negative results, refusal to test and suspicion of tampering. Draft rule 99.15 sets out the information required when notification is triggered.
<b>Comments from submitters</b>	<p>If tampering is suspected, Employment Relations Act 2000 and Privacy Act 2020 requirements must be followed (including consultation) and an operator will not be able to report suspected tampering (under section 118 of the Act) in the same timeframe as reporting non-negative results due to the operator’s employment legislation obligations.</p> <p>See no justification in the 2023 Act for some of the matters that the rules seek to collect information on.</p> <p>Relief sought:</p> <ul style="list-style-type: none"> <li>- Clarify that CAA does not take any responsibility for an operator’s required compliance with employment law and note the constraints on s118 notification.</li> <li>- Delete 99.15(b)(2), (3), and (5) which are the requirements to notify CAA of the date of a test (2), or when the operator became aware of the result (3) and the safety-sensitive activity involved (5).</li> </ul>
<b>CAA response</b>	<p>On reporting of suspected tampering, CAA acknowledges that employment legislation obligations are the operators’ responsibility. However, as all CAA needs to know under the DAMP regime is when an operator is managing an issue – not the individual involved - there should not be a significant delay in notifying CAA that something has happened.</p> <p>The proposed rules do not set a timeframe for notification (hours, number of days etc.). The requirement is set out in the Act - that being ‘as soon as practicable’<sup>17</sup>. So, no change to the rule is required to address the submitter’s concern.</p> <p>As to the submissions that certain information requirements be removed, CAA considers that all the information is required. The reasoning is:</p> <ul style="list-style-type: none"> <li>- The relevant date of the test (or refusal to test or suspected tampering) gives a timeframe for the random</li> </ul>

<sup>17</sup> Section 117 (3) CAA 2023

	<p>testing. Without it, CAA is not able to verify if it has been notified as soon as practicable.</p> <ul style="list-style-type: none"> <li>- The requirement to notify CAA of the date the operator knew of the situation<sup>18</sup> might be deemed less critical. In most circumstances it will be, as it will align with the date of test. But, in some arrangements there might be a gap between testing and operator knowledge (for example because of the way a third-party does the testing). Requiring the operator to give CAA both dates gives CAA assurance that the regime is working as intended.</li> <li>- Knowing the general activity the person is involved in, that makes them a <i>safety-sensitive worker</i>, is helpful for understanding the types of safety-sensitive workers across the sector that are being tested under the regime and patterns in notifications – piloting, maintenance etc.</li> </ul>
<b>Proposal for final rule</b>	No change to proposed rules.
<b>Advisory Circular</b>	Review the advisory circular guidance on why some information is required when notifying the Director, and expectations about what ‘as soon as practicable’, means when employment procedures are triggered.

#### 4.10 Record keeping

<b>Proposal in the NPRM</b>	Draft rule 99.17 requires DAMP operators to keep records on the random testing and lists specifically: (a)(1) the name of the worker (2) the relevant safety-sensitive activity (3) the time and date of the test, and when the DAMP operator received the results (4) the results of the test (or that the worker refused to consent) and (5) whether tampering was suspected and if so why.
<b>Comments from submitters</b>	<p>CAA should refrain from involvement in specifying requirements for employment records. <i>“We consider CAA’s decision to refrain from rule-making in this area very prudent.”</i></p> <p>The submission seeks removal of some record keeping requirements – when the test occurred and the activity. The submitter argues requiring such detail is not justified - stating such information would only be used in a prosecution. It is also pointed out that requiring details on the safety-sensitive activity</p>

<sup>18</sup> Proposed rule 99.15, clause (b)(3)

	<p>is not necessary as the likelihood is that the person is being tested (randomly) prior to undertaking relevant duties.</p> <p>Relief sought:</p> <ul style="list-style-type: none"> <li>- Retain proposal to refrain from making rules or a transport instrument in relation to DAMP record keeping obligations</li> <li>- Delete 99.17(a)(2) and (3) – which respectively require keeping records of the safety-sensitive activity of the worker and secondly, the time and date of the test and when the operator was informed.</li> </ul>
<b>CAA response</b>	<p>The rules provide for the option of a future transport instrument to support any future changes in information requirements. If CAA proposes a future transport instrument the submitter will have the opportunity to comment.</p> <p>As to removing some of the proposed matters in rule 99.17, CAA’s reasoning behind the requirement is covered above in regard to rule 99.15 on notification. The rule requiring information to be kept in records should match the notification requirements.</p> <p>Keeping information on the time of the test is, however, considered excessive detail to specify in a rule.</p> <p>On describing ‘safety-sensitive activities’, similar to the discussion on rule 99.15, there was no intent in the draft rules to capture a description of a particular duty/task that the worker was doing that day (repairing X, or preparing to pilot Y). Rather what the term is intended to describe is the general activity that had triggered classing them as a ‘safety-sensitive worker’ – i.e. maintenance or piloting.</p>
<b>Proposal for final rule</b>	<p>Amend 99.17 to remove the requirements to keep a record of the exact time of the test - leaving just the need to keep a record of the test date.</p>
<b>Advisory Circular</b>	<p>Add into the advisory circular clarification that the reference to ‘safety-sensitive activities’ is in the context of why the person is identified as a “safety-sensitive worker”. It is a role description not a description of daily duties.</p>

**4.11 Routine reporting [draft rule 99.19 and draft transport instrument]**

Also see transport instrument discussion below in part 7.

**Summary of Public Submissions *NPRM Part 99 — Drug and Alcohol Management Plans (DAMPs)***

<b>Proposal in the NPRM</b>	<p>The draft rule 99.19 requires a DAMP operator to report depersonalised information on random testing.</p> <p>The actual requirements, (i.e. the information sought per reporting period), would be set out in a transport instrument confirmed by the Director.</p>
<b>Comments from submitters</b>	<p>Generally, annual reporting is preferred over quarterly reporting with some exceptions.</p> <p>Annual reporting is an unnecessary cost.</p> <p>Reporting is excessive to operators who already shoulder an increasing compliance workload.</p> <p>Such reporting is not required because a DAMP operator’s DAMP can be reviewed during normal certification and surveillance audit activity. And quarterly reporting is preferred.</p> <p>Fulsome annual reports are appropriate when combined with the requirement to immediately notify the Director of any non-negative tests etc. Annual reports provide assurance of compliance with relevant DAMPs.</p> <p>Relief sought:</p> <ul style="list-style-type: none"> <li>- DAMP Operators to report non-negatives through the incident/accident reporting framework and report other matters through other existing formats (quarterly returns and certification audits) – i.e. no DAMP specific annual report.</li> <li>- Reporting should be conducted only if a positive test is received.</li> </ul>
<b>CAA response</b>	<p>CAA agrees with the submitter who states that annual reports provide assurance of compliance with relevant DAMPs (noting that standard quarterly reporting might be the preferred format to collect information of a year).</p> <p>The draft rule (99.19) provides for the transport instrument. The matters raised by submitters about the form of reporting are relevant to the content of the transport instrument not the rule.</p>
<b>Proposal for final rule</b>	<p>No change to 99.19</p> <p>See discussion on the draft transport instrument in section 7.</p>

**4.12 Process of renewing DAMPs and doing amendments**

## Summary of Public Submissions *NPRM Part 99 — Drug and Alcohol Management Plans (DAMPs)*

<b>Proposal in the NPRM</b>	Draft rule 99.23 paragraphs 5 and 6 provide for amendments to be made to DAMPs, similar to the way existing safety management systems documents are amended.
<b>Comments from submitters</b>	Standalone DAMP renewals and amendments will be a cost burden for operators and CAA.  Relief sought:  - Integrate DAMP with Part 100 (SMS).
<b>CAA response</b>	New rules are required to identify DAMP operators for the DAMP regime and Part 100 cannot be utilised without them (see section 3 above)  The proposed rules specifically allow for DAMPs to be part of an organisation’s SMS. CAA supports drug and alcohol management being integrated with existing safety measures.  An operator can choose to have a standalone DAMP or for it to be part of their SMS. Regardless, the process of amending it (if required) would follow that already in place for SMSs. This includes their review, if necessary, at certificate renewal. <sup>19</sup>
<b>Proposal for final rule</b>	No change to proposed rules.
<b>Advisory Circular</b>	Clarify relationship with SMS processes.

### 5. Technical Changes to the Rule

The following changes to the rules are technical ones put forward by CAA and the Ministry of Transport for the workability of the rule.

- a) Move the definition of DAMP from Part 99 (draft rule 99.3) to rule Part 1

The move is required because the abbreviation DAMP will be used in fifteen separate certification parts and where an acronym is used in multiple rule parts the drafting protocol is that it is defined in Part 1.

- b) Move the transport instrument definition to Part 1 and consequently amend rule 99.21,

The term “transport instrument” is better positioned in Part 1 to cater for a future scenario of transport instruments being used in rule parts other than Part 99. Any such definition needs to recognise that a transport instrument can be made under the 2023 Act by either the Director of Civil Aviation or the Secretary of Transport – hence reference to “specified person” is added.

<sup>19</sup> After 5 April 2027, the renewal of DAMPs would be incorporated into the process of certification renewal by proposed rule 99.9 (b).

A consequential change, of removing the definition of transport instrument from Part 99, is that it needs to be clear that any reference to transport instrument in the draft DAMP rules (rule 99.7, 99.17 (c) and 99.21) is a reference to a transport instrument that is made by the Director.<sup>20</sup> This can be achieved by amending rule 99.21 *Transport instruments specifying testable drugs, record keeping and reporting*, and adding in the ability for the Director to make the instrument. The descriptive heading can also be amended to better reflect what the rule achieves.

- c) Renumbering of paragraphs in rule 99.23.

A minor technical drafting change to rule 99.23 to clarify the effectivity date for applying the consequential changes to the associated rule part, which requires deletion a paragraph and re-numbering of subsequent paragraphs.

## **6. Summary of changes to the final rule (Part 99)**

As a result of submissions and analysis the draft rules consulted on in the NPRM, CAA advises that the final draft rule 99.17 is revised as follows.

### ***Change to requirements to keep records***

Corresponding to the discussion in 4.10 above, CAA advises that the final draft rule Part 99.17 is revised as follows.

#### ***99.17 DAMP operator to keep records***

- (a) A DAMP operator must ensure that a record is kept of all random testing, specifying:

- (1) the name of the worker
- (2) the relevant safety-sensitive activity
- (3) the ~~time and~~ date of the test, and when the DAMP operator received the results
- (4) the results of the test (or that the worker refused to consent)
- (5) whether tampering was suspected and if so why.

- (b) The DAMP operator must ensure that the record is kept in a secure location and retained for at least 5 years from the date of testing.

- (c) The DAMP operator must also comply with the requirements in a transport instrument specifying what records a DAMP operator must ensure are kept, and how records must be kept

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<sup>20</sup> Stating who may make the instrument, is required by section 430 (2) of the Civil Aviation Act 2023: “A regulation or rule that provides for a transport instrument must specify whether the Secretary or the Director may make the instrument.”

***Giving effect to technical changes to draft rule Part 99***

Corresponding to the changes discussed above (section 5), CAA advises that the final draft rule Part 99 is revised as follows.

a) In regard to DAMP definition:

- adding a new paragraph (7.) to the Annex of rule 99.23 *Amendments to other Parts*:

*7. Add to rule 1.3 Abbreviations*

***DAMP*** has the meaning given in section 113 of the Act:

- removing the DAMP definition from draft rule 99.3

b) On the definition of transport instrument:

- adding a new paragraph (8) to the Annex of rule 99.23 *Amendments to other Parts*:

*8. Add to rule 1.1 General definitions:*

***transport instrument*** means an instrument made by a specified person under Part 10 subpart 3 of the Act, and includes an instrument yet to be made, and any instrument as amended or replaced from time to time.

- removing the transport instrument definition from draft rule 99.3
- amending draft rule 99.21 by inserting a new paragraph, (b) and updating the heading:

***99.21 Transport instruments made for the purposes of this Part specifying testable drugs, record keeping and reporting***

*(a) A transport instrument made for the purposes of this Part may impose different obligations on different classes, including by reference to categories of certificate holder, size of DAMP operator, safety-sensitive activity or safety sensitive worker.*

***(b) In accordance with section 431 of the Act a transport instrument made for the purposes of this Part may be made by the Director.***

*(c) Before making a transport instrument the Director must have regard to relevant international standards, guidance and practice.*

c) Amendments to other parts:

- amending draft rule 99.23 by inserting a new paragraph, (b):

***(b) This Rule and the Annex expire on 6 April 2025.***

- deleting paragraph 1, **Annex to rule 99.23**, and re-numbering the subsequent paragraphs (1-8) and clauses accordingly:



~~1. The amendments in clauses 2-9 below take effect on 5 April 2025, and then this Annex and rule 99.23 expire~~

## 7. Transport instrument – regular reporting

Draft rule 99.19 provides for reporting of random testing activities to CAA as set out in a separate document – the transport instrument (similar to a civil aviation notice).

The relevant draft rule, with emphasis added, is:

### **99.19 Routine reporting to the Director on random testing**

A DAMP operator must comply with the requirements in a transport instrument specifying depersonalised information on random testing that a DAMP operator must report to the Director, and the time and form of that reporting.

The draft transport instrument was included in the NPRM for public consultation to enable the package of material to be considered.

### ***Submissions and CAA response***

Submissions (four in total) related to the time frame of the regular reporting and the list of matters to report on in paragraph 5 of the draft transport instrument.

Generally, annual reporting is preferred over quarterly reporting. But quarterly reporting was supported by some submitters.

Three submissions proposed reporting differently. The matters are covered in turn: 1. use of quarterly returns, 2. use of audit processes, 3. reported through the incident/accident systems and 4. no reporting at all.

1. The following matters were sought to be covered in quarterly returns:
  - number of safety-sensitive workers (noting staff numbers often fluctuate)
  - number of drug tests carried out
  - number of alcohol tests carried out
  - number of confirmatory tests
  - number of instances where the worker refused consent to be tested
  - number of instances of suspected tampering
  - the number of tests abandoned.

### ***CAA response***

It was assumed that, for many operators, annual reporting would be suitable as random testing may not occur more than once or twice a year. In response to submissions, CAA will consider if quarterly reporting is a preferred and more effective option. It would mean nil returns if there was no random testing in a particular quarter.

It was submitted that the number of safety-sensitive workers might not be easily recorded because of fluctuating staff numbers, including part time and seasonal

workers. The reporting tool will need to be responsive to that. This might require seeking information on the maximum number of safety-sensitive workers over the reporting period or allowing for the number of workers to be reported as a band (under 10, 10-20, over 100 etc). CAA will consider what is most practical when designing the form questions alongside the reporting period.

2. Matters to be checked as part of audit processes
  - dates of random tests

Submissions emphasise that looking at the dates of random testing can be part of the audit process - it being an unnecessary burden to keep such detailed record. The information is available if asked for.

*CAA response*

Seeking dates of the testing from all operators would enable CAA to report across the sector such results as “*between January and December X DAMP operators conducted at least 1 set of random testing and nn DAMP Operators conducted nn random testing once a quarter.*”.

However, the precise dates of testing is excessive detail. Knowing the quarter when random testing occurred will be adequate. The transport instrument could usefully provide that flexibility by just referring to ‘the reporting period’ rather than referring to ‘dates’.

3. Matters to be reported through the existing incident/accident reporting systems only.
  - the number of alcohol tests that returned a negative result
  - the number of confirmatory urine tests that returned positive in line with AS/NZS 4308
  - the number of confirmatory oral fluid tests that returned positive in line with AS/NZS 4760
  - the number of confirmatory alcohol tests that returned a result other than negative

*CAA response*

The reason why test results that have been notified to the Director/CAA (under s117 of the Act), are asked to be included in regular reporting, is as a means of validating the notifications over the year. It is not expected to be onerous as there is no need to report on the testing at the time it occurs unless it is a non-negative (i.e. a positive) test, or refusal to test or suspected tampering.

The list of different confirmatory tests (as listed by the submitters) can, however, be reduced in the transport instrument. As the DAMP will set out means of doing the tests and the NZ standards used, if relevant, the transport instrument need just refer to the reporting of the confirmed positive tests.

4. Matters not required to be reported at all as part of a DAMP:

## Summary of Public Submissions *NPRM Part 99 — Drug and Alcohol Management Plans (DAMPs)*

- ‘safety-sensitive activities’ covered by the testing AND those not covered
- how workers were selected for testing (as this is set out in the DAMP).

The submissions argue that the safety-sensitive activities covered (or not) and how they are selected will be set out in the DAMP so additional reporting is an unnecessary cost.

### *CAA response*

CAA recognises that because testing will be random the safety-sensitive activities affected will not necessarily be evenly represented. It is helpful for CAA to follow trends or patterns in the scope of workers covered by the random testing. Noting, it remains anonymised.

As to reporting on the way in which workers were selected for testing, the focus is understanding methodology, which in many instances will simply be confirmation that the process in the relevant DAMP were followed. However, allowing for reporting of variations in selection processes is helpful.

### **Next steps**

The transport instrument will be revised in light of submissions and further consideration by CAA.

The draft transport instrument, that was included in the last page of the NPRM, will go through a separate finalisation process to the primary rules. The Director rather than the Minister will approve it.

If there are significant changes from the draft that was consulted on CAA may choose to do additional consultation.

## **8. Advisory circular only comments**

A draft advisory circular was made available with the draft rules to assist understanding.

It will not be finalised until the rules have been finalised.

Below, submissions on the draft advisory circular are summarised along with CAA comment. Likely changes or additions to the advisory circular information are indicated, rather than actual drafting changes.

### ***Submissions and CAA commentary***

There were four themes: reference to disciplinary procedures, rehabilitation and consultation, and the DAMP template, plus some miscellaneous comments or requests. These are considered in turn.

#### Theme: reference to **Disciplinary procedures**

- A submission sought removal of references to disciplinary procedures under the Employment Relations Act in the guidance and draft template and replace them with a statement that explains that it is the employer’s prerogative and responsibility and CAA should not be involved.

*CAA commentary: CAA will consider how the advisory circular refers to employment matters. The draft advisory circular states: “A DAMP operator can refer to disciplinary procedure in its DAMP. However, this is an employment matter that is not within the scope of CAA regulatory responsibility.”*

**Theme: Rehabilitation**

- A submission advocates for treating individuals suffering from alcohol or drug related disorders, including substance dependency, with respect, compassion and care. It proposes a greater emphasis on rehabilitation of those suffering from dependency.
- The submission does not seek that licence-holders be permitted to exercise their rights when their ability to do so is impaired. But it emphasises that it would also be irresponsible for stand-down under the rules to lead directly to the exit of the licence-holder from the sector. Support programmes such as the Human Intervention Motivation Study (HIMS) are emphasised.
- The submissions seeks that CAA consider an obligation on operators to consider provision of a rehabilitation plan and a clear statement that workers will not be subject to adverse conduct for self-reporting or a non-negative result followed by entry into a rehabilitation plan.

*CAA commentary: CAA supports rehabilitation programmes and agrees that identification of an alcohol or drug problem is not a reason to remove the possibility of the person having licence privileges returned. This support is outlined in under the ‘How to find support’ in CAA’s GAP booklet “Medical Matters”<sup>21</sup>*

*The scope of the DAMP regime is limited under the 2023 Act to random testing. The only matter in the response plan, which is prescribed, is prohibiting the worker from performing a safety-sensitive activity until it is safe to resume.*

*The draft advisory circular focuses on the legislative requirements for the DAMP and doesn’t cover wider drug and alcohol management options and issues. CAA will continue to take opportunities to highlight the importance of rehabilitation in its general guidance on drugs and alcohol and other activities.*

**Theme: Consultation**

- Amend the advisory circular to remind operators that material changes to DAMPs will require engagement with health and safety representatives and unions pursuant to HSWA Part 3 Subpart 1.

*CAA commentary: CAA agrees that changes to the DAMP may involve HSWA consultation and will consider covering this in in the advisory circular.*

- A submission seeks amending the advisory circular clause 8.2 to specify that a DAMP operator needs to engage with relevant unions (i.e. those holding collective agreements covered by the DAMP per Schedule 1 cl 31 ) as well as workers.

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<sup>21</sup> Medical Matters GAP 2022 (pages 21-22) Available here. [Medical matters \(aviation.govt.nz\)](https://www.aviation.govt.nz/medical-matters)

*CAA commentary: CAA disagrees with this assessment - Clause 31 does not include a reference to DAMP provisions being agreed on. It states:*

**31 Current DAMP operators: Employment Relations Act 2000**

- (1) This clause applies to a current DAMP operator who is an employer in an existing employment agreement.
- (2) The operator may include in the agreement a provision that allows the operator to carry out random testing of a worker in accordance with the DAMP approved by the Director under [clause 27](#).

Theme: The **DAMP Template** - within the AC

- There was support, in principle, for an 'off the shelf' model.

*CAA commentary: CAA appreciates the support given.*

There were also some minor editorial comments.

Theme: **Miscellaneous Submissions**

- Support for advisory circular to include prescription drugs and over the counter medicines in discussion of drugs that can be tested for.

*CAA commentary: CAA notes that no change to advisory circular is required and the advice will remain.*

- Clearly state that response plans cannot be applied to non-safety-sensitive workers.

*CAA commentary: CAA agrees that the advisory circular can make it clear that "response plans" as referred to in the Act have limited application.*

- Clarify that time spent by workers observing DAMP obligations will be duty time.

*CAA commentary: This is not a matter that CAA can influence. It is an employer decision.*

- Request for CAA to provide education, including on: changes in available drugs such as prescription medication or performance enhancing drugs; testing regimes; the understanding of impairment, and integration with safety management.

*CAA commentary: The list of matters that CAA could provide information on goes well beyond the Act's legislative requirements for the content of a DAMP. As part of CAA's general roles in aviation safety, including in requiring safety management systems, medical licences, and providing advice on human factors, CAA continually considers what supporting guidance and information it can and should usefully provide the industry.*

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