



# Civil Aviation Rules

## **Notice of Proposed Rule Making**

**NPRM 15-02**

**7 May 2015**

### **Part 100 Safety Management**

*Docket 8/CAR/1* **Safety Management Systems**

#### **Consequential Amendments**

- |                 |                 |
|-----------------|-----------------|
| <b>Part 19</b>  | <b>Part 115</b> |
| <b>Part 119</b> | <b>Part 121</b> |
| <b>Part 125</b> | <b>Part 135</b> |
| <b>Part 137</b> | <b>Part 139</b> |
| <b>Part 141</b> | <b>Part 145</b> |
| <b>Part 146</b> | <b>Part 147</b> |
| <b>Part 148</b> | <b>Part 149</b> |
| <b>Part 171</b> | <b>Part 172</b> |
| <b>Part 173</b> | <b>Part 174</b> |
| <b>Part 175</b> |                 |

## Background to the Civil Aviation Rules

The Civil Aviation Rules (the rules) establish the minimum regulatory safety boundaries for participants to gain entry into, operate within, and exit the New Zealand civil aviation system. The rules are structured in a manner similar to the United States' Code of Federal Regulations Title 14 (14 CFR). Co-operation is being maintained with the Civil Aviation Safety Authority of Australia to ensure maximum harmonisation with their regulatory code.

Rules are divided into parts and each part contains a series of individual rules which relate to a particular aviation activity. Advisory circulars accompany many rule parts and contain information about standards, practices and procedures that the Director has established to be an acceptable means of compliance with the associated rule. An advisory circular may also contain guidance material to facilitate compliance with the rule requirements.

The objective of the civil aviation rules system is to strike a balance of responsibility between, on the one hand, the Crown and Civil Aviation Authority and, on the other hand, those who provide services and exercise privileges in the civil aviation system. This balance must enable the Crown and the Authority to set standards for, and monitor performance of, aviation participants whilst providing the maximum flexibility for the participants to develop their own means of compliance within the safety boundaries.

Section 12 of the Civil Aviation Act 1990 (the Act) prescribes general requirements for participants in the civil aviation system and requires, amongst other things, participants to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Section 28 of the Act allows the Minister of Transport (the Minister) to make ordinary rules for any of the following purposes:

- The implementation of New Zealand's obligations under the Convention on International Civil Aviation (the Convention)
- To allow for the mutual recognition of safety certifications in accordance with the ANZA mutual recognition agreements
- The provision of aviation meteorological services, search and rescue services and civil aviation security programmes and services
- Assisting aviation safety and security, including but not limited to personal security
- Assisting economic development
- Improving access and mobility
- Protecting and promoting public health
- Ensuring environmental sustainability
- Any matter related or reasonably incidental to any of the following:
  - i. The Minister's objectives under section 14 of the Act;
  - ii. The Minister's functions under section 14A of the Act;
  - iii. The Authority's objectives under section 72AA of the Act;
  - iv. The Authority's functions and duties under section 72B of the Act; and
  - v. The Director's functions and powers under section 72I of the Act
- Any other matter contemplated by any provision of the Act.

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## 1. Purpose of this NPRM

The purpose of this rule-making proposal 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.

## 2. Background to the Proposal

### 2.1 Status Quo and Problem Definition

#### Status quo: Aviation safety regulation in New Zealand

Aviation plays a crucial role in New Zealand's economic wellbeing. In 2009, aviation-related revenues were almost \$10 billion (6.9% of gross domestic product), \$5.9 billion of which was from domestic activity. This is expected to grow to almost \$15 billion by 2015.<sup>1</sup> Aviation related activity also contributed approximately \$4.4 billion (19%) to New Zealand's \$23 billion tourism revenue in the year to March 2011.<sup>2</sup>

New Zealand civil aviation is regulated through the Civil Aviation Act 1990 (the Act) and other legislation, including the Health and Safety in Employment Act 1992. The Civil Aviation Rules describe the minimum standards participants must meet to ensure aviation safety. The rules require quality management systems of most operators for internal quality assurance. The Civil Aviation Authority's surveillance and audits of participants focuses on these Systems to ensure that participants are in compliance with the minimum standards. Where accidents and incidents reveal a safety failure the traditional response has been to modify or add to the Civil Aviation Rule set, increasing complexity and the cost of compliance.

New Zealand is a signatory to the Convention on International Civil Aviation 1944. This obliges New Zealand to secure, to the highest practicable degree, compliance with aviation global standards as established by the International Civil Aviation Organization (ICAO), a specialised agency of the United Nations. The strength and effectiveness of the international system relies on the setting of, and adherence to, these global standards.

Recognising the limitations of a complex, technical rule-based compliance system, in 2009 ICAO required a risk-based approach of its member states. In April 2013, ICAO re-affirmed this by adopting a new annex (Annex 19) to the Convention, consolidating and refreshing its risk-based standards and recommended practices (SARPs). ICAO expects member states and aviation participants to follow the risk management approach outlined in Annex 19 to ensure aviation safety, resulting in a system that proactively addresses systemic risks. Member states are obliged to implement a state safety programme<sup>3</sup> as their management system for ensuring safety. Safety management systems (SMS) are ICAO's required risk management framework for aviation operators. Canada, the U.K., Australia and Singapore are some of the countries that have already progressed implementation of this risk-based approach to improving aviation safety.

To date, adoption of a risk management system has been voluntary for all New Zealand aviation participants. However, New Zealand participants in the international system, and some domestic operators, have implemented risk management practices to conform with identified best practice and the requirements of ICAO. Changes to the Civil Aviation Rules will be required to embed this approach into the regulatory framework and apply it to all certificated participants. If this is done, it would address a gap in New Zealand's responsibility to the global aviation system.

Compliance with existing requirements (Civil Aviation Act and Rules, and the Health and Safety in Employment Act 1992) means that most aviation participants are already required to have many key elements of a system for safety management, and transition costs should not be significant, particularly given the safety and other benefits of this approach. New Zealand's use of quality management system requirements for most certificated participants makes it well placed to smoothly transition to a safety management approach due to the overlapping requirements of each system.

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<sup>1</sup> *New Horizons: A report on New Zealand's Aviation Industry*. Prepared for New Zealand Trade and Enterprise by Knorridge Ltd, 2010.

<sup>2</sup> *Tourism Satellite Account: 2011*. Statistics New Zealand, Wellington, 2011.

<sup>3</sup> Refer to the CAA web site at [http://www.caa.govt.nz/SMS/state\\_safety\\_prog.html](http://www.caa.govt.nz/SMS/state_safety_prog.html) for information on New Zealand's state safety programme.

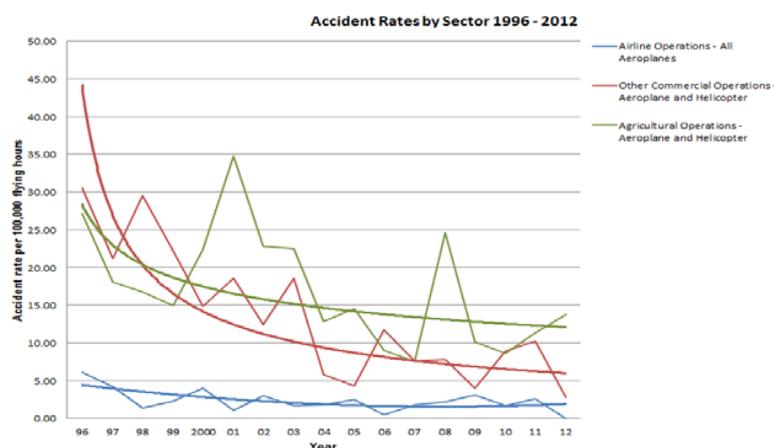
### Problem: Further safety gains are unlikely

New Zealand aviation is growing rapidly.<sup>4</sup> The quantity and diversity of aviation operations is predicted to expand over the short and long term, in line with global trends. This is likely to also lead to an increase in the number of accidents.

The public expects aviation safety in New Zealand to meet the highest possible standards. While our aviation system is one of the safest in the world, accidents and serious incidents continue to occur. In the face of continued aviation growth, diversity and complexity, new efforts are required to maintain, and further reduce, the number and rate of accidents.

ICAO had identified in the second edition of its *Safety Management Manual* that further safety gains under the traditional rule and compliance system alone will be increasingly difficult to achieve.<sup>5</sup> Additionally, global trends and experience indicate that safety performance is reaching a plateau in improvement and that a proactive approach to identify and address safety risks is needed. Figure 1 below demonstrates this plateau in the New Zealand context.

**Figure 1**



Overall, the numbers of serious accidents and fatalities across the general (commercial and recreational) aviation sectors, in particular, are reducing. However, the accident rates in some sub-sectors, such as agricultural operations and sport aircraft operations, are not trending down as quickly as desired, stalling or showing signs of reversal.<sup>6</sup>

### Problem: Declining international reputation through non-compliance with international obligations

While it is not strictly compulsory for New Zealand to apply the ICAO SARPs to domestic aviation participants, there is an obligation to implement these SARPs where practicable. Article 38 of the Convention on International Civil Aviation 1944 requires New Zealand to notify ICAO where New Zealand has different minimum standards from those set in the annexes to the Convention. These differences are published by the ICAO and made available to other member states.

The Act requires that rules made by the Minister of Transport are not inconsistent with the standards of ICAO. Section 14 requires that the Minister “ensure that New Zealand’s obligations under international civil aviation agreements are implemented.”

Failure to comply with the ICAO’s standards would mean that New Zealand did not adopt global best practice, which could affect New Zealand’s international reputation. Consequently, international trade and tourism in New Zealand could be adversely affected due to other countries’ lack of confidence in our aviation system.

<sup>4</sup> 2012 Safety Report, International Civil Aviation Organization, 2012; and *New Horizons: A report on New Zealand’s Aviation Industry* – prepared for New Zealand Trade and Enterprise by Knotridge Ltd, 2010.

<sup>5</sup> *Safety Management Manual (SMM)*, Second Edition, Doc 9859 AN/474, International Civil Aviation Organization, 2009, Part 2.3.

<sup>6</sup> *Aviation Safety Summary, 1 October to 31 December 2012*. Civil Aviation Authority report, Spring 2012.

**Problem: An inflexible and inefficient use of aviation regulatory mechanisms**

The current aviation regulatory regime in New Zealand is not:

- responding quickly enough to deliver safety improvements;
- keeping up with technology change;
- allowing the CAA to have confidence that its resources are appropriately focussed on the risks of the aviation industry and that it is intervening to best effect;
- responding to new international standards quickly enough; or
- focusing the aviation industry on proactively identifying and managing risk.

The total effect of these issues is that aviation participants find it difficult to advance their technology or business practice while remaining compliant with the Civil Aviation Rules and are concerned about the CAA's use of regulatory tools being focused in the wrong areas. The CAA is aware that efficiencies can be gained in its regulatory approach and that work is needed to meet international obligations.

Achieving safety goals while enabling continued growth requires the efficient and deliberate use of time, skills and resources by the CAA, the Ministry of Transport and aviation participants to target risk.

**2.2 NPRM Development****Early development**

In August 2006, the CAA developed a policy paper on SMS and released it to the aviation industry for submissions. After reviewing the submissions on the policy, the CAA developed a formal policy document on SMS in August 2007. The policy document recommended that the CAA Executive agree to propose the introduction of SMS throughout the New Zealand civil aviation system, and encourage organisations to voluntarily adopt the principles in the interim. The Executive agreed to these recommendations in March 2008.

The CAA published a project scope statement for the proposed SMS rule project in March 2009 and a rule design document was published in July 2010.

**Recent development**

Although an NPRM was drafted in 2010, the shift toward risk-based regulation coupled with a sharper focus on the policy behind rulemaking projects, led the CAA and Ministry of Transport to consult on the policy objectives driving the introduction of SMS. The consultation document identified four options:

- (a) **Continuation of the status quo** – no changes to the current system of Civil Aviation Rules and compliance.
- (b) **Increased inspections, audits and enforcement** – extra resources dedicated to more frequent surveillance and audit of aviation participants to ensure compliance with the Rules.
- (c) **Voluntary implementation of risk management systems** – the CAA would encourage operators to voluntarily implement risk management systems. The CAA would continue to regulate safety with existing rules and quality checks, but would make more use of risk analysis to deliver these functions.
- (d) **Mandatory implementation of risk management systems** – aviation participants would be required, via the Civil Aviation Rules, to implement a risk management system, such as SMS. The CAA would shift its focus to a risk-based approach to surveillance and auditing roles, and to prioritising regulatory interventions in the aviation system.

Each of the above options was assessed against the following criteria:

- Does the option improve safety performance?
- Is it international best practice and does it meet ICAO standards?
- Will there be start-up costs for aviation businesses?
- Will it be flexible and durable, enabling aviation innovation?
- Will it increase efficiency in the use of CAA resources?
- Does it allow scalability for different sized organisations?
- Does it offer ease of implementation?

- Does it provide shared accountability as envisaged by the Civil Aviation Act 1990?
- Does it assist operators to meet their obligations under other regulatory frameworks, such as health and safety?

The result of the analysis was that the CAA recommended the option of mandating a risk management approach to aviation safety. This represents a logical and reasonable evolution to continue improving safety performance in New Zealand's mature and innovative aviation sector.

Submissions to the policy proposal were largely supportive of the preferred option, although some qualified that support with questions relating to the nature of the requirements and implementation concerns. The unsupportive responses cited concerns that the CAA may not have the resource or knowledge to properly implement SMS, and that smaller operators may struggle to run an adequate system.

Given the general support for the preferred option, the CAA resumed development of this NPRM supported by the updated background information above.

#### **Overlap with other proposed rule amendments**

The CAA is currently working on proposed amendments to Part 139 (Aerodromes – Certification, Operation and Use) of the Rules and on proposing a new Part 147 (Maintenance Training Organisations).

The proposed Part 139 amendments have not yet been approved, so the proposed consequential changes have been marked on the current Part 139. However, if the proposed amendments to Part 139 are approved, the proposed SMS amendments will be made to the amended Part 139.

The proposed new Part 147 is expected to be published for consultation in May also. Proposed SMS amendments will be incorporated in the proposed new Part 147 draft.

### **2.3 Key Stakeholders**

The following have been identified by the CAA as key stakeholders in the proposed rule amendments contained in this NPRM — organisations holding, and those wishing to hold, certificates under Parts 19F, 115, 121, 125, 135, 137, 139, 141, 145, 146, 147, 148, 149, 171, 172, 173, 174, and 175, their staff, and their representative employee organisations;

## **3. Issues Addressed During Development**

### **3.1 Rule Structure**

The original iteration of the proposed SMS rule requirements was based on the ICAO Annex 19 framework. It was reflected the construction of AC00-4 *Safety Management* which took elements from the ICAO framework and added others from the current internal quality assurance requirements which are not explicitly captured by the ICAO elements. The draft amendment to the advisory circular, released for comment with this NPRM, illustrates in Appendix B the mapping of elements between ICAO, the proposed rule, and how they are presented in the advisory circular.

The original concept proposed the safety management rules being included, in detail, in every affected rule part. This was seen to be contrary to the holistic approach that the CAA wants to promote; and so the safety management requirements have been located in a separate rule part. The new rule part is proposed to be placed at the beginning of the certification and operational rule series as Part 100 *Safety Management*, and each affected part has been amended to require the participant to comply with the requirements of Part 100.

As a consequence to the introduction of Part 100, the supporting advisory circular will be renumbered from AC00-4 to AC100-1; a draft revision of which is available for review and comment with this NPRM.

As NPRM development progressed, it became apparent that the original, quite prescriptive approach would be problematic for non-complex organisations in that it can generate an unnecessary and unproductive administrative burden. Consequently, the structure of the rule was changed to adopt requirements similar to those of the European Aviation Safety Agency and Transport Canada. The high-level and non-prescriptive rule principles subsequently adopted for Part 100 define the management outcomes that an organisation is required to bring about instead of focussing on prescribing the processes or actions that an organisation must take. As there is no one-size-fits-all system, this will provide the flexibility for organisations to scale SMS to their needs.

### **3.2 Common Organisational Requirements**

This proposed amendment provides an opportunity to standardise organisational requirements that are common to all certificate holders, so the CAA proposes to align the language accordingly. The most significant of these changes are:

- Aligning the responsibilities of the person identified as the chief executive to include ‘ensuring that the organisation complies with the requirements of the applicable rule part’ (in some rules this is currently the responsibility of the senior persons).
- Aligning the responsibilities of the senior persons to include ensuring that the organisation complies with its exposition (instead of rule compliance).
- Expanding, where it is not already present, the exposition requirement for the organisation to demonstrate its means and methods for ensuring ongoing compliance to include ‘any other applicable Part’.
- Standardising the phrasing of the changes to certificate holder’s exposition rule regarding changes that must have prior acceptance by the Director.

### 3.3 Language

The proposed rules refer to a “system for safety management” where other states and ICAO refer to a “safety management system”. This is designed to keep the requirement generic, and not become tied to a single regime. However, the guidance material refers to “safety management system” and particularly “SMS” as they are essentially colloquial terms in current use.

### 3.4 ICAO SARPS and Level of Risk to NZ Aviation Safety

ICAO Annex 19 contains SARPs for safety management. This is a new annex, which became effective on 14 November 2013, and consolidated the requirements that were contained in Annex 1 – *Personnel Licensing*, Annex 6 – *Operation of Aircraft*, Annex 8 – *Airworthiness of Aircraft*, Annex 11 – *Air Traffic Services*, Annex 13 – *Aircraft Accident and Incident Investigation*, and Annex 14 – *Aerodromes*.

Annex 19 highlights the importance of safety management at the State level and enhances safety by consolidating safety management provisions applicable to multiple aviation domains into a single Annex. It also facilitates the future evolution of safety management provisions, and promotes aligned implementation of SMS and state safety programme provisions.

The rules proposed in this NPRM will bring New Zealand legislation into alignment with ICAO Annex 19 standards—

- Regarding our responsibility to implement safety management requirements of service providers under our State Safety Programme – standards 3.1.3(a), (b), (c), (d), (e) and (f); and 3.1.4.
- Regarding safety management system requirements – standards 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6, 4.1.7, 4.1.8, and 4.2. The proposed rules are not inconsistent with the framework described in Annex 19 Appendix 2.

The level of risk to New Zealand aviation safety is currently low. However, as noted above, there are still safety improvements to be made that are beyond the capacity of current (quality assurance based) methodology and current (compliance based) regulatory techniques. The introduction of the proposed new rules are expected to promote improved safety culture and active risk management practices across the industry.

### 3.5 Compliance Costs

It is not possible to quantify a total cost to the aviation industry of this proposal based on the available information. There are several factors that would result in different participants incurring a wide range of costs, including participants in the same sector. These include:

- the size, scope, and complexity of an organisation;
- the quality of a participant’s current quality management systems;
- a participant’s past and current compliance with all relevant regulations;
- the quality of documentation submitted by participants to the CAA; and
- the degree of proactive risk management implementation already undertaken.

Compared to the status quo, some participants assessed by the CAAs as being less risky could see reduced compliance costs. Well developed and implemented risk management plans would also go some way towards reducing costs associated with CAA certification and auditing.

Table 1 below outlines approximate full-time equivalents (FTE) and costs (excluding staff wage/salary costs) for implementation and the first full year of risk management as business as usual for a cross section of certificated operators compliant with existing requirements.

**Table 1**

<b>IMPLEMENTATION</b>				
Part 125	Part 135	Part 137	Part 139	Part 145
0.2 FTE	0.13 FTE	0.10 FTE	0.15 FTE	0.2 FTE
\$6,000	\$6,000	\$3,000	\$6,000	\$6,000
<b>ONGOING MAINTENANCE AND ENHANCEMENT</b>				
Part 125	Part 135	Part 137	Part 139	Part 145
0.17 FTE	0.10 FTE	0.08 FTE	0.10 FTE	0.17 FTE
\$4,500	\$4,500	\$1,500	\$4,500	\$4,500

The amount of time required for implementation is linked to the size and complexity of the organisation (i.e. larger organisations with multiple bases of operation might require more time to implement). However, larger organisations are also more likely to have existing dedicated resources, such as a full-time Quality Manager, that could be appointed as a Safety Manager to facilitate all risk management activities. In practice, the FTE amount indicated is split between different personnel and the costs incurred are spread across the entire transition period or year of operation.

Part 137 (agricultural aircraft operations) participants do not currently have a requirement to implement quality management systems. Consequently, these participants may incur additional costs to fully implement risk management systems. This additional cost is accounted for in table 3.

For many participants, a risk-based approach may be achieved by formalising practices and processes already in place, minimising costs. For some, there may be set-up costs, such as creating a safety policy and training staff. Ongoing costs may include staff training, maintaining reporting and data analysis systems, and implementing new systems to reduce risks if these are not already in place.

In 2012/13, the average number of hours charged by the Civil Aviation Authority for re-certification of a Part 135 (helicopters and small aeroplanes) operator was 44 hours, for an average cost of \$12,496 per operator. Re-certification is the process of renewing or amending a participant's existing aviation document (issued for up to five years) where the participant demonstrates continued compliance with regulations. Chargeable re-certification activities include processing the re-certification application, assessing the applicant's documented procedures, site inspection and demonstration of the applicant's capabilities, and the review and decision to issue or decline a certificate.

The CAA estimates that if risk management systems were required these participants could anticipate additional average charges to the above certification costs of approximately 20 hours at \$284 per hour (\$5,680). This amount could be reduced over time as the CAA becomes more assured of the participant's risk management systems. It is important to note that, due to the similarity of a risk-based approach with existing requirements, additional approximate costs are likely to include a number of the elements currently assessed by the CAA (see table 1); therefore, actual new costs could be lower for many operators.

## 4. Implementation

### 4.1 Applicability

The proposed safety management rule will provide a 1 year transition for the following certificate holders—

- Part 119/121 and 125 air operators
- Part 145 maintenance organisations providing services to Part 121 and 125 air operators
- Part 139 aerodrome operators providing servicing for international operations, and
- Part 171 aeronautical telecommunication services
- Part 172 air traffic service organisations.
- Part 173 instrument flight procedure service organisations
- Part 174 aviation meteorological service organisations, and
- Part 175 aeronautical information service organisations.

The remaining certificate holders, listed below, will have 3 years to transition—

- Part 19F supply organisations
- Part 115 adventure aviation operators
- Part 119/135 air operators
- Part 137 agricultural aircraft operators
- Part 139 aerodrome operators not serving international operations
- Part 141 aviation training organisations
- Part 145 maintenance organisations (providing services to other than Part 121 and 125 air operators)
- Part 146 aircraft design organisations
- Part 147 maintenance training organisations
- Part 148 aircraft manufacturing organisations, and
- Part 149 recreational aviation organisations.

#### **4.2 Making the change**

Unless an organisation has already implemented a full system of safety management, there will be a need to make a planned transition from internal quality assurance to safety management. Such a shift cannot be instantaneous as it involves changing the way organisations approach and deal with risk, information gathering and processing, and so on. Consequently, if the proposed rule comes into force, it will take some time for organisations to adjust current processes, establish new ones where necessary, and make them effective.

The third edition of ICAO's Doc 9859 *Safety Management Manual (SMM)* discusses SMS implementation in Chapter 5.4 and, as an example, describes for the certificate holder a phased approach to integrating SMS and QMS—

- Phase 1 – do a gap analysis; develop an accountability framework and an implementation plan.
- Phase 2 – implement essential safety management processes.
- Phase 3 – establish safety risk management processes.
- Phase 4 – mature implementation of safety risk management and safety assurance. (This involves enhancement and continuous improvement.)

Similarly, the draft advisory circular AC100-1 (currently AC00-4) suggests a stepped approach—

- Conduct a gap analysis.
- Develop a management plan.
- Assign accountabilities and responsibilities.
- Develop policies, procedures and documentation.
- Establish the SMS 'toolkit'.
- Implement a training and education programme.
- Monitor and review.

In both the ICAO document and the advisory circular the evolution to safety management as a step up from quality management is expected to span from 1 to 3 years depending on the certificate held, and the degree of readiness currently in each sector of the industry. Consequently, the implementation strategy for the industry as a whole will need a degree of coordination between the CAA and the industry that has not been required before.

### 4.3 CAA approach

The CAA proposes to adopt an approach based on the Safety Management International Collaboration Group's<sup>7</sup> (SM ICG) SMS evaluation tool and methodology.

This approach will rely on each certificate holder planning and agreeing their implementation strategy with the CAA. The CAA will monitor progress throughout the implementation process, and make a final site visit prior to accepting the holder's system of safety and compliance management.

### 4.3 Multiple Certificates

There are a number of organisations that have multiple certificates; however this has not been specifically addressed in the rule proposal. Rather, the CAA would expect that, in the spirit of a holistic approach, an organisation would implement safety management across all of its certificates at the same time and in the same transition period. This expectation was seen to be reasonable since typically the different certificates are organisationally integrated and therefore there would be no significant implementation burden.

## 5. Legislative Analysis

### 5.1 Power to Make Rules

The Minister may make ordinary rules under sections 28, 29, 29A, 29B and 30 of the Civil Aviation Act 1990, for various purposes including implementing New Zealand's obligations under the Convention, assisting aviation safety and security, and any matter contemplated under the Act.

These proposed rules are made pursuant to:

- (a) Section 28(1)(a) the implementation of New Zealand's obligations under the Convention:
- (b) Section 28(1)(c) assisting aviation safety and security, including (but not limited to) personal security:
- (c) Section 30(a)(vii) air services:
- (d) Section 30(a)(viii) air traffic services:
- (e) Section 30(a)(ix) aerodromes and aerodrome operators:
- (f) Section 30(a)(xi) aviation training organisations:
- (g) Section 30(a)(xii) aircraft design, manufacture, and maintenance organisations:
- (h) Section 30(a)(xv) aviation meteorological services:
- (i) Section 30(a)(xvi) aviation communications services:
- (j) Section 30(a)(xvii) any other person who provides services in the civil aviation system:
- (k) Section 30(b)(viii) the provision of information to the Authority or the Director by applicants for or holders of aviation documents:

### 5.2 Matters to be taken into account

The development of this NPRM and the proposed rule changes take into account the matters under section 33 of the Act that the Minister must take into account when making ordinary rules including the following:

#### ICAO Standards and Recommended Practices

Pursuant to section 33(1) of the Act, the proposed rules are not inconsistent with the following:

- (a) the standards of ICAO relating to aviation safety and security, to the extent adopted by New Zealand:
- (b) New Zealand's international obligations relating to aviation safety and security.

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<sup>7</sup> The SM ICG's material, including the SMS evaluation tool, can be found on the Skybrary web site:  
[http://www.skybrary.aero/index.php/Safety\\_Management\\_International\\_Collaboration\\_Group\\_%28SM\\_ICG%29](http://www.skybrary.aero/index.php/Safety_Management_International_Collaboration_Group_%28SM_ICG%29)

**Assisting Aviation Safety and Personal Security**

The proposed rules are intended to increase the level of safety for people travelling on New Zealand aircraft.

**Assisting Economic Development**

The proposed rules will have no significant effect on economic development.

**Improving Access and Mobility**

The proposed rules will have no significant effect on improving access and mobility.

**Protecting and Promoting Public Health**

The proposed rules will have no significant effect on protection and promotion of public health.

**Ensuring Environmental Sustainability**

The proposed rules will have no significant effect on environmental sustainability.

**5.3 Incorporation by reference**

The proposed rules do not incorporate any documents by reference.

**5.4 Civil Aviation (Offences) Regulations**

Schedule 1 of the Civil Aviation (Offences) Regulations 2006 is made by the Governor General pursuant to section 100 of the Civil Aviation Act 1990 and contains a list of summary and infringement penalties associated with offences against various civil aviation rules.

The proposed rule will require consequential amendments to the Civil Aviation (Offences) Regulations 2006. However, those amendments relate only to changes in rule numbering; there are no material changes to the offences themselves.

**6. Responding to the NPRM**

There are two areas where the CAA would invite feedback—

- Comment on the proposal itself – proposed rule requirements for clarity, applicability, transition times, or any other issue or concern relating to the intended amendment.
- Comment and opinion of a general nature that the CAA needs when considering the integration of SMS into industry practices. This is intended to supplement the impact assessment, and improve the implementation process.

Consequently, the CAA is providing the usual submission feedback channels for comment on the proposal itself; and an online questionnaire for the more generic questions relating to impact and cost.

**6.1 Submissions are invited**

This proposal has been developed in conjunction with industry organisations and individuals. Interested persons are invited to participate in the decision-making of the proposed rules by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rule-making is taken. If there is a need to make any significant change to the rule requirements in this proposal as a result of the submissions received, then interested persons will be invited to make further submissions.

**6.2 Examination of Submissions**

All submissions will be available for examination by interested persons both before and after the closing date for submissions. A consultation summary will be published on the CAA web site and provided to each person who submits a written submission on this NPRM.

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority, Level 15, Asteron Centre, 55 Featherston Street, Wellington 6011 between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

**6.3 Official Information Act**

Submitters should note that subject to the Official Information Act 1982 any information attached to submissions will become part of the docket file and will be available to the public for examination at Aviation House.

Submitters should state clearly if there is any information in their submission that is commercially sensitive or if for some other reason the submitter does not want the information to be released to other interested parties.

#### 6.4 How to make a submission

You may submit your comments on the NPRM Submission Form which is available on the CAA web site by following this link, <http://www.caa.govt.nz/Forms/CAA810.doc>, and e-mailing your completed document to: [docket@caa.govt.nz](mailto:docket@caa.govt.nz).

The NPRM Submission Form can also be accessed on the CAA web site at <http://www.caa.govt.nz/rules/nprms.htm> which also contains the rule proposal documents, the draft revision for the supporting advisory circular AC100-1, and the feedback questionnaire.

While you may respond using regular mail or fax, the CAA prefers to receive documents that are emailed in the MS Word format (or similar) to ensure efficient and secure cataloguing of all comments.

Submissions may be sent by the following methods:

e-mail: [docket@caa.govt.nz](mailto:docket@caa.govt.nz) and titled "NPRM 14-01" in the subject line.

post: Docket Clerk (NPRM 14-01)  
Civil Aviation Authority  
PO Box 3555  
Wellington 6140  
New Zealand

delivered: Docket Clerk (NPRM 14-01)  
Civil Aviation Authority  
Asteron House  
Level 15  
55 Featherston Street  
Wellington 6011

fax: Docket Clerk (NPRM 14-01 )  
Docket Clerk, +64 4 560 9481

#### 6.5 Final date for submissions

Comments must be received before 19 June 2015

#### 6.6 Availability of the NPRM:

Any person may obtain a copy of this NPRM from–

CAA web site: [www.caa.govt.nz](http://www.caa.govt.nz);

*or from:*

Docket Clerk  
Civil Aviation Authority  
Asteron House  
Level 15  
55 Featherston Street  
Wellington 6011  
Phone: +64 4 560 9603:  
Fax +64 4 560 9481 (quoting NPRM 14-01)

#### 6.7 Further information

If you require further assistance in submitting your comments contact Paul Elton, Principal Standards Specialist, on +64 4 560 9472 or e-mail [Paul.Elton@caa.govt.nz](mailto:Paul.Elton@caa.govt.nz).

## 7. Proposed Rule Amendments

The proposed rules are contained in a separate document – *NPRM 15-02 Proposed Rules*. This has been done for two reasons:

- The CAA is aware of the size of both this document, and the proposed rule changes. Together they number around 200 pages. Separating the documents provides the opportunity to only print the pages appropriate to the reader.
- Secondly, the rule proposal document is presented as a side-by-side comparison of the existing rules and the proposed changes with colour coding to indicate the nature of the changes. These features are intended to facilitate faster understanding of the extent of the amendment.

## 8. Advisory Circular

AC100-1 *Safety Management Systems* was first published in December 2012 as AC00-4, and has been revised as a draft, also for public comment, to reflect the proposed rule amendments. It should be referred to when considering the rule proposal.

The certification advisory circulars relating to the affected certificates will also be updated to reflect the proposed introduction of Part 100 where they currently refer to internal quality assurance.

In addition, AC00-3 *Internal Quality Assurance* will be updated following this NPRM consultation process and AC100-1 has been finalised.



## **Notice of Proposed Rulemaking**

**NPRM 15-02**

**7 May 2015**

## **Proposed Rules**

*Docket 8/CAR/1 Safety Management Systems*



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## Contents

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### Purpose

This document forms part of notice of proposed rulemaking NPRM 15-02 Safety Management. It contains the proposed new Part 100 and the consequential amendments associated with the introduction of Part 100.

The format of this document has been arranged to facilitate an understanding of the impact of the proposed rules by comparing them against the current rules. The current rules are laid out down the left side of the page, and the amended rules are on the right. Where possible each paragraph of the amended rules has been aligned vertically on the page with the corresponding paragraph of the existing rules.

### Legend

Text marked in red is where text in the current rules has been **deleted or altered**.

Text highlighted in red is where an entire requirement from the current rules has been **removed or revoked**.

Text highlighted in yellow is where text in the proposed amendment has been **altered** from the current rule as formatting, editorial or terminology changes.

Text highlighted in green is where there is a **new** requirement or new text.

Text highlighted in blue is a **transition** provision to allow an operator or certificate holder time to comply with the new requirements.

### Example:

#### Current Rules

#### Part 115 Example

#### Proposed Rules

(i) the control and scheduling of maintenance (**Maintenance Controller**):

(ii) **the organisational management system:**

(iii) conducting occurrence investigations under Part 12; and

(2) hold the minimum qualifications and experience listed in Appendix A as applicable to the function for which the person is responsible.

#### 115.77 **Organisational management system**

(a) **An applicant for the grant of an adventure aviation operator certificate must establish an organisational management system to ensure compliance with, and adequacy of, the procedures required by this Part.**

(i) the control and scheduling of maintenance (**maintenance controller**):

(ii) **the system for safety and compliance management required under rule 115.77:**

(iii) conducting occurrence investigations under Part 12; and

(2) hold the minimum qualifications and experience listed in Appendix A as applicable to the function for which the person is responsible.

#### 115.77 **Safety and compliance management**

**A person to whom this rule applies must establish a system for safety and compliance management in accordance with rule 100.5.**

**Current Rules****Part 19 Subpart F Supply Organisation Approvals****Proposed Rules****Subpart F — Supply Organisation Approvals****19.317 Personnel requirements**

(a) Each applicant for the grant of a certificate of approval for supply shall engage, employ, or contract:

- (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements prescribed by this Subpart:
- (2) a senior person or group of senior persons who are responsible for ensuring that the applicant's organisation complies with the requirements of this Subpart. Such nominated person or persons shall be ultimately responsible to the Chief Executive for the following functions:
  - (i) aeronautical product acceptance;
  - (ii) inspection and testing;
  - (iii) dispatch of aeronautical products and issue of the associated release notes;
  - (iv) compliance with the terms and conditions of the certificate and the organisation's exposition; and

**Subpart F — Supply Organisation Approvals****19.317 Personnel requirements**

(a) An applicant for the grant of a certificate of approval for supply must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who—
    - (i) has the authority within the organisation to ensure that every activity undertaken by the organisation under the authority of the certificate can be financed and carried out in accordance with this Part; and
    - (ii) is responsible for ensuring that the organisation complies with this Part; and
  - (2) a senior person or persons accountable to the chief executive who are responsible for—
    - (i) ensuring that the organisation complies with its exposition; and
    - (ii) the functions referred to in paragraph (b)(1); and
  - (3) sufficient personnel to plan, perform, supervise, inspect, and certify the supply activities listed in the exposition.
- (b) The senior persons referred to in paragraph (a)(2) must, unless it is otherwise accepted by the Director, each be responsible for no more than one of the following functions:
- (1) aeronautical product acceptance;
  - (2) inspection and testing;
  - (3) dispatch of aeronautical products and issue of the associated release notes;
  - (4) compliance with the terms and conditions of the certificate and the organisation's exposition;
  - (5) the system for safety management required under rule 19.320.
- (c) The senior person responsible for the function specified in paragraph (b)(5) must be able to demonstrate knowledge and experience relevant to the management of safety systems

**Current Rules****Part 19 Subpart F Supply Organisation Approvals****Proposed Rules**

- (3) sufficient personnel to plan, perform, supervise, inspect, and certify the supply activities listed in the applicant's exposition.
- (b) The applicant **shall**—
- (1) establish a **procedure to initially assess**, and a **procedure** for maintaining, the competence of those personnel involved in planning, performing, supervising, inspecting, or certifying the supply activities performed by the **applicant's** organisation; and
  - (2) provide those personnel with written evidence of the scope of their authorisation.

**19.325 Supply organisation exposition**

- (a) An applicant for the grant of a certificate of approval for supply must provide the Director with an exposition that contains—
- (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 **supply** organisation and demonstrate its means and methods for ensuring ongoing compliance with **this subpart**; and
    - (ii) will be complied with; and
  - (2) the titles and names of the senior **person or persons required by rule 19.317**; and

and the activities of the certificate holder.

- (d) The applicant **must**—
- (1) establish **procedures for initially assessing**, and for maintaining, the competence of those personnel involved in planning, performing, supervising, inspecting, or certifying the supply activities performed by the organisation; and
  - (2) provide those personnel with written evidence of the scope of their authorisation.

**19.320 Safety management**

An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

**19.325 Supply organisation exposition**

- (a) An applicant for the grant of a certificate of approval for supply must provide the Director with an exposition, **in a format that may be specified by the Director from time to time**, that contains—
- (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 **the Civil Aviation Rules**; and
    - (ii) will be complied with; and
  - (2) **in relation to the system for safety management required by rule 19.320,—**
    - (i) **all of the documentation required by rule 100.3(b); and**
    - (ii) **for an applicant that is not applying for a renewal of a certificate of approval for supply, an implementation plan that describes how the system for safety management will be implemented; and**
  - (3) the titles and names of the senior persons **referred to in rules 19.317(a)(1) and (2)**; and

## Current Rules

## Part 19 Subpart F Supply Organisation Approvals

## Proposed Rules

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|--|---|
| <p>(3) the duties and responsibilities of the person or persons specified in paragraph (a)(2), including matters for which they have the responsibility to deal directly with the Director on behalf of the supply organisation; and</p> <p>(4) an organisation chart showing lines of responsibility of the senior persons specified in paragraph (a)(2); and</p> <p>(5) the detailed description of the scope and limitations of the certificate of approval; and</p> <p>(6) details of every location where the applicant conducts supply activities, and the facilities at that location; and</p> <p>(7) details of the applicant's provision of satisfactory environmental conditions at each of the locations listed under paragraph (a)(6); and</p> <p>(8) details of the applicant's staffing structure at each of the locations listed under paragraph (a)(6); and</p> <p>(9) details of any authorisations made by the applicant to other persons for supply functions; and</p> <p>(10) details of the applicant's procedures required by—</p> <ul style="list-style-type: none"> <li>(i) rule 19.317(b) regarding assessing the competence of personnel; and</li> <li>(ii) rule 19.317(b) regarding maintaining the competence of personnel; and</li> <li>(iii) rule 19.321 regarding control of supply activities, including a copy of the proposed release note, if applicable; and</li> <li>(iv) rule 19.323(a) regarding the identification, collection, indexing, storage, maintenance and disposal of records; and</li> </ul> | <p>(4) the duties and responsibilities of the senior persons referred to in rules 19.317(a)(1) and (2), including—</p> <ul style="list-style-type: none"> <li>(i) matters for which they have a responsibility to deal directly with the Director or the Authority on behalf of the organisation; and</li> <li>(ii) responsibilities for safety management; and</li> </ul> <p>(5) an organisation chart showing lines of responsibility of the senior persons referred to in rules 19.317(a)(1) and (2); and</p> <p>(6) the detailed description of the scope and limitations of the certificate of approval; and</p> <p>(7) details of every location where the applicant conducts supply activities, and the facilities at that location; and</p> <p>(8) details of the applicant's provision of satisfactory environmental conditions at each of the locations listed under paragraph (a)(7); and</p> <p>(9) details of the applicant's staffing structure at each of the locations listed under paragraph (a)(7); and</p> <p>(10) a summary of the lines of safety responsibility and accountability within the organisation, including the direct safety accountabilities of staff to the chief executive; and</p> <p>(11) details of any authorisations made by the applicant to other persons for supply functions; and</p> <p>(12) details of the applicant's procedures required by—</p> <ul style="list-style-type: none"> <li>(i) rule 19.317(d) regarding assessing the competence of personnel; and</li> <li>(ii) rule 19.317(d) regarding maintaining the competence of personnel; and</li> <li>(iii) rule 19.321 regarding control of supply activities, including a copy of the proposed release note, if applicable; and</li> <li>(iv) rule 19.323(a) regarding the identification, collection, indexing, storage, maintenance and disposal of records; and</li> </ul> |
|--|---|

**Current Rules****Part 19 Subpart F Supply Organisation Approvals****Proposed Rules**

- (v) rule 19.323(b) regarding the content and retention of records; and
- (vi) rule 19.321(a)(9) regarding the notification, investigation, and reporting of defect incidents; and

(11) procedures **for controlling, amending, and distributing** the exposition.

(b) The **applicant's** exposition must **be** acceptable to the Director.

**19.329 Changes to certificate holder's exposition**

(a) **Each** holder of a certificate of approval for supply **shall** ensure that its exposition is amended so **as to remain** a current description of the organisation.

(b) **The certificate holder shall** ensure any amendment to **its** exposition **meets** the **applicable requirements of this Subpart** and complies with the amendment procedures contained in **its** exposition.

(c) **The certificate holder shall** provide the Director with a copy of each amendment to **its** exposition as soon as practicable after **the holder's incorporation of the amendment** into the exposition.

(d) **Where the certificate holder proposes to make a change to** any of the following, **the certificate holder shall obtain prior notification to, and** acceptance by, the Director:

- (1) the **Chief Executive**;
- (2) the **listed senior persons**;
- (3) the locations at which work is carried out.

- (v) rule 19.323(b) regarding the content and retention of records; and

- (vi) rule 19.321(a)(9) regarding the notification, investigation, and reporting of defect incidents; and

(13) procedures **to control, amend, and distribute** the exposition.

(b) The exposition must remain acceptable to the Director.

**19.329 Changes to certificate holder's exposition**

(a) **A** holder of a certificate of approval for supply **must**—

(1) ensure that the exposition is amended so that it remains a current description of the holder's organisation; and

(2) ensure that any amendment made to **the** exposition—

(i) **is compliant with the Civil Aviation Rules**; and

(ii) complies with the amendment procedures contained in **the** exposition; and

(3) provide the Director with a copy of each amendment to **the** exposition—

(i) as soon as practicable after **the amendment has been incorporated** into the exposition; and

(ii) **in a format that may be specified by the Director from time to time**; and

(4) make such amendments to **the** exposition as the Director **considers** necessary in the interests of aviation safety.

(b) **Before a holder of a certificate of approval for supply changes** any of the following, **prior** acceptance by the Director **is required**:

(1) the **chief executive**;

(2) the **title or name of any senior person referred to in rule 19.317(a)(2)**;

(3) the locations at which work is carried out;

(4) **the system for safety management, if the change is a material change**.

(c) **To avoid doubt, a holder of a certificate of approval for supply must comply with**

**Current Rules****Part 19 Subpart F Supply Organisation Approvals****Proposed Rules**

(e) The Director may prescribe conditions under which a certificate holder may operate during or following any of the changes specified in paragraph (d).

(f) A certificate holder shall comply with the conditions prescribed under paragraph (e).

(g) Where any of the changes referred to in this rule requires an amendment to the certificate, the certificate holder shall forward the certificate to the Director as soon as practicable.

(h) The certificate holder shall make such amendments to its exposition as the Director may consider necessary in the interests of aviation safety.

**19.333 Safety audit and inspection**

(a) The holder of a certificate of approval for supply may be required by the Director, in writing, to undergo or carry out such inspections and audits of the holder's offices, facilities, documents, and records as the Director considers necessary in the interests of aviation safety and security in accordance with section 15 of the Act.

(b) The holder of a certificate of approval for supply may be required to provide such information as the Director considers relevant to the inspection or audit in accordance with section 15 of the Act.

**19.335 Transitional arrangements**

The holder of a certificate of approval for supply issued before and current on 22 June 2006 does not need to comply with the requirements of rule 19.325(a)(10)(vi) until 22 December 2006.

paragraph (a) when making a change referred to in paragraph (b).

(d) The Director may impose conditions under which the holder of the certificate of approval for supply must operate during or following any change.

(e) The holder of a certificate of approval for supply must comply with any condition imposed under paragraph (d).

(f) If any change requires an amendment to the certificate of approval for supply, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.

**19.333 Revoked****19.335 Transition for certificate of approval for supply holders and applicants**

(a) This rule applies to each—

- (1) approval for supply certificate holder;
- (2) approval for supply certificate applicant.

(b) Before [date that is 3 years after the date this rule comes into force], an organisation to which this rule applies—

- (1) is not required to comply with—
  - (i) rule 19.317(b)(5);
  - (ii) rule 19.320;

**Current Rules****Part 19 Subpart F Supply Organisation Approvals****Proposed Rules**

- (iii) rule 19.325(a)(2):
  - (iv) rule 19.325(a)(4)(ii):
  - (v) rule 19.325(a)(10); but
- (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 3 years from rule effective date] the system for safety management required under rule 19.320.
- (c) Each organisation that relies on paragraph (b) must submit the required implementation plan—
- (1) before [date that is 9 months after the rule comes into effect], if the organisation is an approval for supply certificate holder; or
  - (2) together with the organisation's application for an approval for supply certificate, if the organisation is an approval for supply certificate applicant.
- (d) For the purpose of rule 19.329(b)(4), establishing a system for safety management required by rule 19.320 is deemed to be a material change to the system for safety management.
- (e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 3 years after this rule comes into force]—
- (1) rule 19.317(b)(5):
  - (2) rule 19.320:
  - (3) rule 19.325(a)(2):
  - (4) rule 19.325(a)(4)(ii):
  - (5) rule 19.325(a)(10).
- (f) This rule expires on [date that is 3 years after rule effective date].

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**Part 100 Safety and Compliance Management****Proposed Rules****Part 100 Safety Management****100.1 Applicability**

This Part applies to an organisation that is required by the Civil Aviation Rules to establish, implement, and maintain a system for safety management.

**100.3 System for safety management**

(a) An organisation to which this Part applies must have a system for safety management that includes—

- (1) a safety policy on which the system for safety management is based; and
- (2) a process for risk management that ensures hazards to aviation safety are identified, and associated risks are evaluated and managed; and
- (3) safety assurance measures that ensure—
  - (i) hazards, incidents, and accidents are internally reported and analysed and action is taken to prevent recurrence; and
  - (ii) goals for the improvement of aviation safety are set and the attainment of these goals is measured; and
  - (iii) there is a quality assurance programme that includes conducting internal audits and regular reviews of the system for safety management; and
- (4) training that ensures personnel are trained and competent to fulfil their safety responsibilities.

(b) The organisation must document all processes required to establish and maintain the system for safety management.

(c) The organisation must ensure that the system for safety management corresponds to the size of the organisation, and the nature and complexity of —

- (1) the activities undertaken by the organisation; and
- (2) the hazards and associated risks inherent in the activities undertaken by the organisation.

**Part 100 Safety and Compliance Management**

**Proposed Rules**

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**Current Rules****Part 115 Adventure Aviation – Certification and Operations****Proposed Rules****Subpart B — Adventure Aviation Operator Certification Requirements****115.51 Qualifications and experience of senior persons**

(a) An applicant for the grant of an adventure aviation operator certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who—
    - (i) has the authority within the **applicant's** organisation to ensure that every activity undertaken by the organisation can be financed and carried out in accordance with **the requirements and standards prescribed by** this Part; and
    - (ii) is responsible for ensuring that the organisation complies with this Part; and
  - (2) a senior person or persons—
    - (i) responsible for ensuring that the **applicant's** organisation complies with its exposition; and
    - (ii) responsible for the functions referred to in paragraph (b)(1); and
    - (iii) **ultimately responsible** to the chief executive; and
  - (3) sufficient personnel to plan, perform, supervise, inspect, and certify the operations listed in the **applicant's** exposition.
- (b) The senior **person or** persons **required by** paragraph (a) must—
- (1) unless otherwise **acceptable to** the Director as a consequence of the size and expected scope of the applicant's organisation, each be responsible for **not** more than one of the following functions—
    - (i) adventure aviation operations, including the flight and descent operations and **any applicable ground support operations**;
    - (ii) crew **member and ground crew** training and competency assessment;
    - (iii) the control and scheduling of maintenance (**Maintenance Controller**):

**Subpart B — Certification Requirements****115.51 Qualifications and experience of senior persons**

(a) An applicant for the grant of an adventure aviation operator certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who—
    - (i) has the authority within the organisation to ensure that every activity undertaken by the organisation **under the authority of the certificate** can be financed and carried out in accordance with this Part; and
    - (ii) is responsible for ensuring that the organisation complies with this Part; and
  - (2) a senior person or persons **accountable** to the chief executive **who are** responsible for—
    - (i) ensuring that the organisation complies with its exposition; and
    - (ii) the functions referred to in paragraph (b)(1); and
  - (3) sufficient personnel to plan, perform, supervise, inspect, and certify the operations listed in the exposition.
- (b) The senior persons **referred to in** paragraph (a)(2) must,—
- (1) unless **it is** otherwise **accepted by** the Director as a consequence of the size and expected scope of the applicant's organisation, each be responsible for **no** more than one of the following functions—
    - (i) adventure aviation operations, including the flight and descent operations and the **supporting ground operations**;
    - (ii) crew training and competency assessment;
    - (iii) the control and scheduling of maintenance:

**Current Rules****Part 115 Adventure Aviation – Certification and Operations****Proposed Rules**

- (iv) the organisational management system;
- (v) conducting occurrence investigations under Part 12; and
- (2) hold the minimum qualifications and experience listed in Appendix A as applicable to the function for which the person is responsible.

**115.77 Organisational management system**

(a) An applicant for the grant of an adventure aviation operator certificate must establish an organisational management system to ensure compliance with, and adequacy of, the procedures required by this Part.

(b) The organisational management system procedures must be of sufficient detail when considering the size and complexity of the operation to ensure that the appropriate organisational procedures are understood, implemented, and maintained at all levels of the organisation.

- (c) The organisational management system must include—
- (1) a safety policy and safety policy procedures, including the procedure for occurrence investigations conducted under Part 12; and
  - (2) a procedure for ensuring that personnel and customer feedback are monitored to identify existing problems or potential causes of problems within the system; and
  - (3) a procedure for ensuring that problems, or potential problems, that have been identified within the system are—
    - (i) corrected; and
    - (ii) checked to ensure that any corrections have been effective; and
  - (4) a procedure for hazard identification; and
  - (5) a procedure for risk assessment and mitigation; and
  - (6) a procedure for checking that the organisation's programmes and procedures achieve the stated aims of its safety policy; and
  - (7) a procedure for ensuring that the management of the organisation continues to be effective in satisfying the requirements of this Part, including—

- (iv) the system for safety management required under rule 115.77;
- (v) conducting occurrence investigations in accordance with Part 12; and

- (2) hold the minimum qualifications and experience listed in Appendix A that are applicable to the function for which they are responsible.

**115.77 Safety management**

An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

**Current Rules****Part 115 Adventure Aviation – Certification and Operations****Proposed Rules**

- (i) a regular plan of review; and
  - (ii) regular feedback to personnel including the results of the review and any actions undertaken to correct problems identified.
- (d) The senior person who is responsible for the organisational management system must communicate with the Chief Executive on matters affecting safety.
- (e) Paragraph (c) does not apply to an applicant for the grant of an adventure aviation operator certificate that intends to conduct adventure aviation operations—
- (1) with a total of 3 or less aircraft listed on the applicant's operations specifications; and
  - (2) from a total of 2 or less bases.

**115.79 Adventure aviation operator exposition**

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

- (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 **adventure aviation** organisation and demonstrate its means and methods for ensuring ongoing compliance with the **requirements prescribed in this Part and any other applicable Part**; and
  - (ii) are required to be complied with by the organisation's personnel at all times; and
- (2) the titles and names of the senior persons **required by** rules 115.51(a)(1) and (2); and

**115.79 Adventure aviation operator exposition**

(a) An applicant for the grant of an adventure aviation operator certificate must provide the Director with an exposition, **in a format that may be specified by the Director from time to time**, that contains—

- (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 the **Civil Aviation Rules**; and
  - (ii) are required to be complied with by the organisation's personnel at all times; and
- (2) **in relation to the system for safety management required by rule 115.77,—**
  - (i) **all of the documentation required by rule 100.3(b); and**
  - (ii) **for an applicant that is not applying for a renewal of an adventure aviation operator certificate, an implementation plan that describes how the system for safety management will be implemented; and**
- (3) the titles and names of the senior persons **referred to in** rules 115.51(a)(1) and (2); and

## Current Rules

## Part 115 Adventure Aviation – Certification and Operations

## Proposed Rules

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| <p>(3) the duties and responsibilities of the senior persons referred to in paragraph (2) including matters for which they have responsibility to deal directly with the Director on behalf of the applicant's organisation; and</p> <p>(4) if appropriate, an organisation chart showing lines of responsibility of the senior persons referred to in paragraph (2) and extending to each location referred to in paragraph (5); and</p> <p>(5) details of the principal place of operation and the main maintenance base; and</p> <p>(6) details of the applicant's procedures required by this Part; and</p> <p>(7) details of—</p> <ul style="list-style-type: none"> <li>(i) the maintenance procedures required by rule 115.59 and rule 115.61; and</li> <li>(ii) the maintenance programme required by rule 115.61; and</li> <li>(iii) every maintenance organisation that performs maintenance on the applicant's aircraft; and</li> </ul> <p>(8) details of—</p> <ul style="list-style-type: none"> <li>(i) the drug and alcohol programme required by rule 115.62; and</li> <li>(ii) the means by which the applicant will ensure that, as required by rule 115.231, an adventure aviation operation does not take place if, in the opinion of the applicant, any of the persons referred to in rule 115.62 is impaired; and</li> </ul> <p>(9) details of—</p> <ul style="list-style-type: none"> <li>(i) the scheme for regulation and recording of flight and duty times required by Subpart G; and</li> </ul> | <p>(4) the duties and responsibilities of the senior persons referred to in rules 115.51(a)(1) and (2) including—</p> <ul style="list-style-type: none"> <li>(i) matters for which they have a responsibility to deal directly with the Director or the Authority on behalf of the organisation; and</li> <li>(ii) responsibilities for safety management; and</li> </ul> <p>(5) if appropriate, an organisation chart showing lines of responsibility of the senior persons referred to in rules 115.51(a)(1) and (2) and extending to each location specified in paragraph (6); and</p> <p>(6) details of the principal place of operation and, if applicable, the main maintenance base; and</p> <p>(7) a summary of the lines of safety responsibility and accountability within the organisation, including the direct safety accountabilities of staff to the chief executive; and</p> <p>(8) details of the procedures required by this Part; and</p> <p>(9) details of—</p> <ul style="list-style-type: none"> <li>(i) the maintenance procedures required by rules 115.59 and 115.61; and</li> <li>(ii) the maintenance programme required by rule 115.61; and</li> <li>(iii) every maintenance organisation that performs maintenance on the applicant's aircraft; and</li> </ul> <p>(10) details of—</p> <ul style="list-style-type: none"> <li>(i) the drug and alcohol programme required by rule 115.62; and</li> <li>(ii) the means by which the applicant will ensure that, as required by rule 115.231, an adventure aviation operation does not take place if, in the opinion of the applicant, any of the persons referred to in rule 115.62 is impaired; and</li> </ul> <p>(11) details of—</p> <ul style="list-style-type: none"> <li>(i) the scheme for regulation and recording of flight and duty times required by Subpart G; and</li> </ul> |
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- (ii) the briefing or training to be provided to each passenger in the safety and emergency procedures applicable to the type of adventure aviation operation to be performed; and
  - (iii) the emergency situation action plans required by rule 115.209; and
  - (iv) the flight crew and ground crew training programme required by Subpart E; and
  - (v) the crew member and ground crew competency assessment programme required by Subpart F; and
- (10) details of the programmes required, as appropriate, by this Part; and
- (11) procedures **for controlling, amending, and distributing** the exposition.
- (b) The exposition must remain acceptable to the Director.

**Subpart C—Operating Limitations and Requirements****115.109 Changes to certificate holder's organisation**

- (a) **Subject to paragraph (b), a** holder of an adventure aviation operator certificate must—
- (1) ensure that the exposition **required by rule 115.79** is amended—
    - (i) **so as to remain** a current description of the **certificate** holder's organisation; and
    - (ii) **to ensure continued compliance with the applicable requirements prescribed in the Part or any other Part; and**
  - (2) ensure that any **amendments** made to **its** exposition **meet** the **applicable requirements of this Part or any other Part** and **comply** with the amendment procedures contained in **its** exposition; and
  - (3) **forward to** the Director **for retention** a copy of each amendment to **its** exposition as soon as practicable after the amendment is incorporated into **its** exposition; and

- (ii) the briefing or training to be provided to each passenger in the safety and emergency procedures applicable to the type of adventure aviation operation to be performed; and
  - (iii) the emergency situation action plans required by rule 115.209; and
  - (iv) the flight crew and ground crew training programme required by Subpart E; and
  - (v) the crew member and ground crew competency assessment programme required by Subpart F; and
- (12) details of the programmes required, as appropriate, by this Part; and
- (13) procedures **to control, amend, and distribute** the exposition.
- (b) The exposition must remain acceptable to the Director.

**Subpart C—Operating Limitations and Requirements****115.109 Changes to certificate holder's organisation**

- (a) **A** holder of an adventure aviation operator certificate must—
- (1) ensure that the exposition is amended so **that it remains** a current description of the holder's organisation; and
  - (2) ensure that any **amendment** made to **the** exposition—
    - (i) **is compliant with** the **Civil Aviation Rules**; and
    - (ii) **complies** with the amendment procedures contained in **the** exposition; and
  - (3) **provide** the Director with a copy of each amendment to **the** exposition—
    - (i) as soon as practicable after the amendment is incorporated into **the** exposition; and
    - (ii) **in a format that may be specified by the Director from time to time**; and

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- (4) **amend its exposition** as the Director considers necessary in the interests of aviation safety.
- (b) **If the holder of an adventure aviation operator certificate changes or proposes to change, any of the following, the certificate holder must notify the Director prior to the change or as soon as practicable if prior notification is not possible, and the change must be accepted by the Director, including applicable fit and proper person criteria under section 10 of the Act, before being incorporated into the certificate holder's exposition:**
- (1) **the person identified as** the chief executive:
  - (2) the title or name of any senior person **specified in the exposition as required by rule 115.79:**
  - (3) the locations referred to in rule 115.79(a)(5), from which the certificate holder conducts adventure aviation operations:
  - (4) the scope of the certificate holder's certificate:
  - (5) **the overall scope or intent of the organisation's management system required by rule 115.77:**
  - (6) the maintenance programme **required by rule 115.61:**
  - (7) any contractor carrying out the certificate holder's maintenance:
  - (8) the scheme for regulation of flight and duty time required by rule 115.401:
- (c) The Director may **specify conditions on** an adventure aviation operator certificate during or following any **of the changes specified in paragraph (b).**
- (d) The **certificate holder** must comply with any **conditions specified** by the Director under paragraph (c).
- (e) If any **of the changes referred to in paragraphs (b) require** an amendment to the certificate **or the operations specifications**, the certificate holder must forward the certificate **or the operations specifications** to the Director as soon as practicable.
- (4) **make such amendments to the exposition** as the Director considers necessary in the interests of aviation safety.
- (b) **Before a** holder of an adventure aviation operator certificate **changes** any of the following, prior acceptance by the Director is required:
- (1) the chief executive:
  - (2) the title or name of any senior person **referred to in** rule 115.79(a)(3):
  - (3) the locations referred to in rule 115.79(a)(6), from which the certificate holder conducts adventure aviation operations:
  - (4) the scope of the certificate holder's certificate:
  - (5) **the system for safety management, if the change is a material change:**
  - (6) the maintenance programme:
  - (7) any contractor carrying out the certificate holder's maintenance:
  - (8) the scheme for regulation of flight and duty time required by rule 115.401:
- (c) **To avoid doubt, a holder of an adventure aviation operator certificate must comply with paragraph (a) when making a change referred to in paragraph (b).**
- (d) The Director may **impose conditions under which the holder of** the adventure aviation operator certificate **must operate** during or following any **change.**
- (e) **The holder of an adventure aviation operator certificate** must comply with any **condition imposed** under paragraph (d).
- (f) If any **change** requires an amendment to the **adventure aviation operator certificate**, the certificate holder must forward the certificate to the Director **for endorsement of the change** as soon as practicable.

**Subpart CA —Transitional Provisions**

**Current Rules****Part 115 Adventure Aviation – Certification and Operations****Proposed Rules****115.151 Transition for adventure aviation operator certificate holders and applicants**

- (a) This rule applies to each—
- (1) adventure aviation operator certificate holder;
  - (2) adventure aviation operator certificate applicant.
- (b) Before [date that is 3 years after the date this rule comes into force], an organisation to which this rule applies—
- (1) is not required to comply with—
    - (i) rule 115.51(b)(1)(iv), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for an organisational management system;
    - (ii) rule 115.77, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an organisational management system that complies with rule 115.153;
    - (iii) rule 115.79(a)(2);
    - (iv) rule 115.79(a)(4)(ii);
    - (v) rule 115.79(a)(7); but
  - (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 3 years from rule effective date] the system for safety management required under rule 115.77.
- (c) Each organisation that relies on paragraph (b) must submit the required implementation plan—
- (1) before [date that is 9 months after the rule comes into effect], if the organisation is an adventure aviation operator certificate holder; or
  - (2) together with the organisation's application for an adventure aviation operator certificate, if the organisation is an adventure aviation operator certificate applicant.
- (d) For the purpose of rule 115.109(b)(5), transitioning from an organisational

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management to the system for safety management required by rule 115.77 is deemed to be a material change.

(e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 3 years after this rule comes into force]—

- (1) rule 115.51(b)(1)(iv):
- (2) rule 115.77:
- (3) rule 115.79(a)(2):
- (4) rule 115.79(a)(4)(ii):
- (5) rule 115.79(a)(7).

(f) This rule expires on [date that is 3 years after rule effective date].

#### **115.153 Transitional organisational management system for adventure aviation operator certificate holders and applicants**

(a) The organisational management system required by rule 115.151(b)(1)(ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.

(b) The organisational management system procedures must be of sufficient detail when considering the size and complexity of the operation to ensure that the appropriate organisational procedures are understood, implemented, and maintained at all levels of the organisation.

(c) The organisational management system must include—

- (1) a safety policy and safety policy procedures, including the procedure for occurrence investigations conducted under Part 12; and
- (2) a procedure for ensuring that personnel and customer feedback are monitored to identify existing problems or potential causes of problems within the system; and
- (3) a procedure for ensuring that problems, or potential problems, that have been identified within the system are—
  - (i) corrected; and

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- (ii) checked to ensure that any corrections have been effective; and
  - (4) a procedure for hazard identification; and
  - (5) a procedure for risk assessment and mitigation; and
  - (6) a procedure for checking that the organisation's programmes and procedures achieve the stated aims of its safety policy; and
  - (7) a procedure for ensuring that the management of the organisation continues to be effective in satisfying the requirements of this Part, including—
    - (i) a regular plan of review; and
    - (ii) regular feedback to personnel including the results of the review and any actions undertaken to correct problems identified.
- (d) The senior person who is responsible for the organisational management system must communicate with the Chief Executive on matters affecting safety.
- (e) Paragraph (c) does not apply to an applicant for the grant of an adventure aviation operator certificate that intends to conduct adventure aviation operations—
  - (1) with a total of 3 or fewer aircraft listed on the applicant's operations specifications; and
  - (2) from a total of 2 or fewer bases.
- (f) This rule expires on [date that is 3 years after rule effective date].

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**Appendix A — Qualifications and competencies of senior persons**

**Appendix A — Qualifications and competencies of senior persons**

Hot Air Balloon Operation		
Senior person responsible for the organisational management system	Document required	Certificate of training for quality assurance that is acceptable to the Director
	Vocational experience required	Demonstrable knowledge and awareness of general quality assurance/quality management systems and 3 years of experience in an operational role in the aviation industry; or  2 years experience with organisational management systems in the aviation industry.

Hot Air Balloon Operation		
Senior person responsible for safety management	Knowledge	Demonstrate knowledge relevant to systems of safety management.  A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
	Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

Parachute-Drop Aircraft Operation		
Senior person responsible for the organisational management system	Document required	Certificate of training for quality assurance that is acceptable to the Director.
	Vocational experience required	Demonstrable knowledge and awareness of general quality assurance/quality management systems and 3 years of experience in an operational role in the aviation industry; or  2 years experience with organisational management systems in the aviation industry.

Parachute-Drop Aircraft Operation		
Senior person responsible for safety management	Knowledge	Demonstrate knowledge relevant to systems of safety management.  A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
	Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

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Tandem Parachute Descent Operation		
Senior person responsible for the organisational management system	Document required	Certificate of training for quality assurance that is acceptable to the Director.
	Vocational experience required	Demonstrable knowledge and awareness of general quality assurance/quality management systems and 3 years of experience in an operational role in the aviation industry; or  2 years experience with organisational management systems in the aviation industry.

Tandem Parachute Descent Operation		
Senior person responsible for safety management	Knowledge	Demonstrate knowledge relevant to systems of safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
	Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

Glider and Glider Tow Aircraft Operation		
Senior person responsible for the organisational management system	Document required	Certificate of training for quality assurance that is acceptable to the Director
	Vocational experience required	Demonstrable knowledge and awareness of general quality assurance/quality management systems and 3 years of experience in an operational role in the aviation industry; or  2 years experience with organisational management systems in the aviation industry.

Glider and Glider Tow Aircraft Operation		
Senior person responsible for safety management	Knowledge	Demonstrate knowledge relevant to systems of safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
	Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

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Hang Glider/Paraglider and Hang Glider Tow Aircraft Operation		
Senior person responsible for the organisational management system	Document required	Certificate of training for quality assurance that is acceptable to the Director
	Vocational experience required	Demonstrable knowledge and awareness of general quality assurance/quality management systems and 3 years of experience in an operational role in the aviation industry; or 2 years experience with organisational management systems in the aviation industry.

Hang Glider/Paraglider and Hang Glider Tow Aircraft Operation		
Senior person responsible for safety management	Knowledge	Demonstrate knowledge relevant to systems of safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
	Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

Special Aircraft Operation		
Senior person responsible for the organisational management system	Document required	Certificate of training for quality assurance that is acceptable to the Director
	Vocational experience required	Demonstrable knowledge and awareness of general quality assurance/quality management systems and 3 years of experience in an operational role in the aviation industry; or 2 years experience with organisational management systems in the aviation industry.

Special Aircraft Operation		
Senior person responsible for safety management	Knowledge	Demonstrate knowledge relevant to systems of safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
	Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

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Microlight Aircraft Operation		
Senior person responsible for the organisational management system	Document required	Certificate of training for quality assurance that is acceptable to the Director
	Vocational experience required	Demonstrable knowledge and awareness of general quality assurance/quality management systems and 3 years of experience in an operational role in the aviation industry; or 2 years experience with organisational management systems in the aviation industry.

Microlight Aircraft Operation		
Senior person responsible for safety management	Knowledge	Demonstrate knowledge relevant to systems of safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
	Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

**Current Rules****Part 119 Air Operator – Certification****Proposed Rules****Subpart B — Airline Air Operator – Certification Requirements****119.51 Personnel requirements**

(a) An applicant for the grant of an airline air operator certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the **Chief Executive** who—
  - (i) has the authority within the **applicant's** organisation to ensure that every activity undertaken by the organisation can be financed and carried out in accordance with **the requirements and standards prescribed by** this Part; and
  - (ii) is responsible for ensuring that the organisation complies with the requirements of this Part; and
- (2) senior persons—
  - (i) responsible for ensuring that the **applicant's** organisation complies with its exposition; and
  - (ii) **responsible for** the functions referred to in paragraph (b)(1); and
  - (iii) **ultimately responsible** to the **Chief Executive**; and
- (2) sufficient personnel to plan, perform, supervise, inspect, and certify the operations listed in the **applicant's** exposition.

(b) The senior persons **required by** paragraph (a) must—

- (1) unless otherwise **acceptable to** the Director **as a consequence of the size and expected scope of the applicant's organisation**, each be responsible for no more than one of the following functions:
  - (i) air operations including the flight operations and the supporting ground operations;
  - (ii) crew training and competency assessment;
  - (iii) the control and scheduling of maintenance;

**Subpart B — Airline Air Operator – Certification Requirements****119.51 Personnel requirements**

(a) An applicant for the grant of an airline air operator certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the **chief executive** who—
  - (i) has the authority within the organisation to ensure that every activity undertaken by the organisation **under the authority of the certificate** can be financed and carried out in accordance with this Part; and
  - (ii) is responsible for ensuring that the organisation complies with this Part; and
- (2) a senior person **or persons accountable** to the **chief executive who are** responsible for—
  - (i) ensuring that the organisation complies with its exposition; and
  - (ii) the functions referred to in paragraph (b)(1); and
- (3) sufficient personnel to plan, perform, supervise, inspect, and certify the operations listed in the exposition.

(b) The senior persons referred to in paragraph (a)(2) must,—

- (1) unless **it is** otherwise **accepted by** the Director as a consequence of the size and expected scope of the applicant's organisation, each be responsible for no more than one of the following functions:
  - (i) air operations including the flight operations and the supporting ground operations;
  - (ii) crew training and competency assessment;
  - (iii) the control and scheduling of maintenance;

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- (iv) **internal quality assurance:**
  - (v) **where an air operator security programme is required by rule 119.75, air operator security:**
  - (vi) **conducting occurrence investigations in accordance with Part 12; and**
- (2) hold the minimum qualifications and experience listed in Appendix A as applicable to the function for which they are responsible.
- (c) **Notwithstanding** paragraph (b)(1)(ii), and if applicable to the structure of the **applicant's** organisation, the senior person responsibilities for competency assessment may be assumed by the senior person responsible for air operations under paragraph (b)(1)(i).
- (d) Any function referred to in paragraph (b)(1) may be delegated to other personnel provided the senior person **responsible for the function** retains responsibility for the function and the delegation is acceptable to the Director.

**119.79 Internal quality assurance**

- (a) **Each applicant for the grant of an airline air operator certificate shall establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.**
- (b) **The internal quality assurance system shall include—**
- (1) **a safety policy and safety policy procedures, including the procedure for occurrence investigations conducted in accordance with Part 12; and**
  - (2) **a procedure to ensure quality indicators, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and**
  - (3) **a procedure for corrective action to ensure existing problems that have been identified within the system are corrected; and**
  - (4) **a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and**
  - (5) **an internal audit programme to audit the applicant's organisation for conformity with the procedures in its exposition and achievement of the goals set in its safety policy; and**

- (iv) **the system for safety management required under rule 119.79:**
  - (v) **air operator security, if an air operator security programme is required by rule 119.75:**
  - (vi) **conducting occurrence investigations in accordance with Part 12; and**
- (2) hold the minimum qualifications and experience listed in Appendix A that are applicable to the function for which they are responsible.
- (c) **Despite** paragraph (b)(1)(ii), and if applicable to the structure of the organisation, the senior person responsibilities for competency assessment may be assumed by the senior person responsible for air operations under paragraph (b)(1)(i).
- (d) Any function referred to in paragraph (b)(1) may be delegated to other personnel provided the **relevant** senior person retains responsibility for the function and the delegation is acceptable to the Director.

**119.79 Safety management**

**An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.**

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- (6) **management review** procedures that may, where appropriate, include the use of statistical analysis, to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part
- (c) The safety policy procedures shall ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure for corrective action shall specify how—
- (1) to correct an existing problem; and
  - (2) to follow up a corrective action to ensure the action is effective.
- (e) The procedure for preventive action shall specify how—
- (1) to correct a potential problem; and
  - (2) to follow up a preventive action to ensure the action is effective; and
  - (3) to amend any procedure required by this Part as a result of a preventive action.
- (f) The internal quality audit programme shall—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) measure the effectiveness of any preventive or corrective action taken by the personnel responsible for the activity being audited since the last audit; and
  - (5) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (6) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review shall—

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- (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the responsible manager who shall review the quality assurance system; and
  - (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive on matters affecting safety.

**119.81 Airline air operator exposition**

(a) An applicant for the grant of an airline air operator certificate must provide the Director with an exposition that contains—

- (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 air operator organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part and any other applicable Part; and
  - (ii) are required to be complied with by the organisation's personnel at all times; and
- (2) the titles and names of the senior persons required by rules 119.51(a)(1) and (2); and
- (3) the duties and responsibilities of the senior persons identified under paragraph (a)(2), including matters for which they have responsibility to deal directly with the Director, on behalf of the applicant's organisation; and

**119.81 Airline air operator exposition**

(a) An applicant for the grant of an airline air operator certificate must provide the Director with an exposition, in a format that may be specified by the Director from time to time, that contains—

- (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 the Civil Aviation Rules; and
  - (ii) are required to be complied with by the organisation's personnel at all times; and
- (2) in relation to the system for safety management required by rule 119.79,—
  - (i) all of the documentation required by rule 100.3(b); and
  - (ii) for an applicant that is not applying for a renewal of an airline air operator certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (3) the titles and names of the senior persons referred to in rules 119.51(a)(1) and (2); and
- (4) the duties and responsibilities of the senior persons referred to in rules 119.51(a)(1) and (2), including—
  - (i) matters for which they have a responsibility to deal directly with the Director or the Authority on behalf of the organisation; and

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| <p>(4) a summary of the scope of activities at each location where the applicant's operations personnel are based for the purpose of providing air transport operations; and</p> <p>(5) an organisation chart showing lines of responsibility of the senior persons identified under paragraph (a)(2) and extending to each location listed under paragraph (a)(4); and</p> <p>(6) a summary of the staffing structure at each location listed under paragraph (a)(4); and</p> <p>(7) details of the principal place of operation and, if applicable, the main operation base and the main maintenance base; and</p> <p>(8) details of the resources required by rule 119.55; and</p> <p>(9) details of the procedures required by this Part; and</p> <p>(10) details of—</p> <ul style="list-style-type: none"> <li>(i) the maintenance procedures required by rule 119.61; and</li> <li>(ii) the maintenance programme required by rule 119.63; and</li> <li>(iii) the maintenance organisation that performs maintenance of the applicant's aircraft; and</li> </ul> <p>(11) details of the programmes required, as appropriate, by this Part, and Part 121, Part 125, or Part 135; and</p> <p>(12) details of the procedures that ensure compliance with the laws of any foreign State in which the applicant's aircraft operate; and</p> <p>(13) procedures to control, amend, and distribute the exposition.</p> <p>(b) The exposition must remain acceptable to the Director.</p> | <p>(ii) responsibilities for safety management; and</p> <p>(5) a summary of the scope of activities at each location where the applicant's operations personnel are based for the purpose of providing air transport operations; and</p> <p>(6) an organisation chart showing lines of responsibility of the senior persons referred to in rules 119.51(a)(1) and (2) and extending to each location listed under paragraph (a)(5); and</p> <p>(7) a summary of the staffing structure at each location listed under paragraph (a)(5); and</p> <p>(8) a summary of the lines of safety responsibility and accountability within the organisation, including the direct safety accountabilities of staff to the chief executive; and</p> <p>(9) details of the principal place of operation and, if applicable, the main operation base and the main maintenance base; and</p> <p>(10) details of the resources required by rule 119.55; and</p> <p>(11) details of the procedures required by this Part; and</p> <p>(12) details of—</p> <ul style="list-style-type: none"> <li>(i) the maintenance procedures required by rule 119.61; and</li> <li>(ii) the maintenance programme required by rule 119.63; and</li> <li>(iii) the maintenance organisation that performs maintenance on the applicant's aircraft; and</li> </ul> <p>(13) details of the programmes required by this Part and, as appropriate, Part 121, Part 125, or Part 135; and</p> <p>(14) details of the procedures that ensure compliance with the laws of any foreign State in which the applicant's aircraft operate; and</p> <p>(15) procedures to control, amend, and distribute the exposition.</p> <p>(b) The exposition must remain acceptable to the Director.</p> |
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**Current Rules****Part 119 Air Operator – Certification****Proposed Rules****Subpart C —General Aviation Air Operator – Certification Requirements****119.101 Personnel requirements**

(a) An applicant for the grant of a general aviation air operator certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the Chief Executive who—
  - (i) has the authority within the applicant's organisation to ensure that every activity undertaken by the organisation can be financed and carried out in accordance with the requirements and standards prescribed by this Part; and
  - (ii) is responsible for ensuring that the organisation complies with the requirements of this Part; and
- (2) senior persons—
  - (i) responsible for ensuring that the applicant's organisation complies with its exposition; and
  - (ii) responsible for the functions referred to in paragraph (b)(1); and
  - (iii) ultimately responsible to the Chief Executive; and
- (3) sufficient personnel to plan, perform, supervise, inspect, and certify the operations listed in the applicant's exposition.

(b) The senior persons required by paragraph (a) must—

- (1) unless otherwise acceptable to the Director as a consequence of the size and expected scope of the applicant's organisation, each be responsible for no more than one of the following functions—
  - (i) air operations, including the flight operations and the supporting ground operations;
  - (ii) crew training and competency assessment;
  - (iii) the control and scheduling of maintenance;

**Subpart C —General Aviation Air Operator – Certification Requirements****119.101 Personnel requirements**

(a) An applicant for the grant of a general aviation air operator certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who—
  - (i) has the authority within the organisation to ensure that every activity undertaken by the organisation under the authority of the certificate can be financed and carried out in accordance with this Part; and
  - (ii) is responsible for ensuring that the organisation complies with this Part; and
- (2) a senior person or persons accountable to the chief executive who are responsible for—
  - (i) ensuring that the applicant's organisation complies with its exposition; and
  - (ii) the functions referred to in paragraph (b)(1); and
- (3) sufficient personnel to plan, perform, supervise, inspect, and certify the operations listed in the exposition.

(b) The senior persons referred to in paragraph (a)(2) must,—

- (1) unless it is otherwise accepted by the Director, each be responsible for no more than one of the following functions—
  - (i) air operations, including the flight operations and the supporting ground operations;
  - (ii) crew training and competency assessment;
  - (iii) the control and scheduling of maintenance;

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- (iv) the organisational management system:
  - (v) conducting occurrence investigations in accordance with Part 12; and
- (2) hold the minimum qualifications and experience listed in Appendix B as applicable to the function for which they are responsible.
- (c) Notwithstanding paragraph (b)(1)(ii), and if applicable to the structure of the applicant's organisation, the senior person responsibilities for competency assessment may be assumed by the senior person responsible for air operations under paragraph (b)(1)(i).

**119.124 Organisational management system**

(a) Each applicant for the grant of a general aviation air operator certificate shall establish an organisational management system to ensure compliance with, and adequacy of, the procedures required by this Part.

(b) The organisational management system procedures shall be of sufficient detail when considering the size and complexity of the operation to ensure that the appropriate organisational procedures are understood, implemented, and maintained at all levels of the organisation.

(c) Except as provided in paragraph (e), the organisational management system shall include—

- (1) a safety policy and safety policy procedures, including the procedure for occurrence investigations conducted in accordance with Part 12; and
- (2) a procedure to ensure personnel and customer feedback are monitored to identify existing problems or potential causes of problems within the system; and
- (3) a procedure to ensure problems, or potential problems, that have been identified within the system are—
  - (i) corrected; and
  - (ii) checked to ensure any corrections have been effective; and
- (4) a procedure to check that the organisation's programmes and procedures achieve the stated aims of its safety policy; and
- (5) a procedure to ensure that the management of the organisation continues to be effective in satisfying the requirements of this Part, including—

- (iv) the system for safety management required under rule 119.124:
- (v) conducting occurrence investigations in accordance with Part 12; and

(2) hold the minimum qualifications and experience listed in Appendix B that are applicable to the function for which they are responsible.

(c) Despite paragraph (b)(1)(ii), and if applicable to the structure of the organisation, the senior person responsibilities for competency assessment may be assumed by the senior person responsible for air operations under paragraph (b)(1)(i).

**119.124 Safety management**

An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

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- (i) a regular plan of review; and
  - (ii) regular feedback to personnel including the results of the review and any actions undertaken to correct problems identified.
- (d) The senior person who has the responsibility for the organisational management system shall communicate with the Chief Executive on matters affecting safety.
- (e) Paragraph (c) shall not apply to an applicant for the grant of a general aviation air operator certificate that intends to conduct air operations—
- (1) with a total of three or less aircraft listed on their operations specifications; and
  - (2) from a total of two or less bases.

**119.125 General aviation air operator exposition**

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

- (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 air operator organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part and any other applicable Part; and
  - (ii) are required to be complied with by the organisation's personnel at all times; and
- (2) the titles and names of the senior persons required by rules 119.101(a)(1) and (2); and
- (3) the duties and responsibilities of the senior persons identified under paragraph

**119.125 General aviation air operator exposition**

(a) An applicant for the grant of a general aviation air operator certificate must provide the Director with an exposition, in a format that may be specified by the Director from time to time, that contains—

- (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 the Civil Aviation Rules; and
  - (ii) are required to be complied with by the organisation's personnel at all times; and
- (2) in relation to the system for safety management required by rule 119.124,—
  - (i) all of the documentation required by rule 100.3(b); and
  - (ii) for an applicant that is not applying for a renewal of a general aviation air operator certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (3) the titles and names of the senior persons referred to in rules 119.101(a)(1) and (2); and
- (4) the duties and responsibilities of the senior persons referred to in rules

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- (a)(2) including matters for which they have responsibility to deal directly with the Director on behalf of the applicant's organisation; and
- (4) if appropriate, an organisation chart showing lines of responsibility of the senior persons identified under paragraph (a)(2); and
- (5) details of the principal place of operation and the main maintenance base; and
- (6) details of the applicant's procedures required by this Part; and
- (7) details of—
- (i) the maintenance procedures required by rule 119.109; and
  - (ii) the maintenance programme required by rule 119.111; and
  - (iii) the maintenance organisation that performs maintenance on the applicant's aircraft; and
- (8) details of the programmes required, as appropriate, by this Part and Part 135; and
- (9) details of the applicant's procedures that ensures compliance with the laws of any foreign State in which the applicant's aircraft operate; and
- (10) procedures to control, amend, and distribute the exposition.
- (b) The exposition must remain acceptable to the Director.

**Subpart D — Operating Requirements****119.151 Continued compliance**

- (a) A holder of an air operator certificate must comply with the operations specifications required by rule 119.15.
- (b) Except as provided in rule 119.169, a holder of an air operator certificate must—

119.101(a)(1) and (2) including—

- (i) matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
  - (ii) responsibilities for safety management; and
- (5) if appropriate, an organisation chart showing lines of responsibility of the senior person or persons referred to in rules 119.101(a)(1) and (2); and
- (6) a summary of the lines of safety responsibility within the organisation, including the direct safety accountabilities of staff to the chief executive; and
- (7) details of the principal place of operation and the main maintenance base; and
- (8) details of the applicant's procedures required by this Part; and
- (9) details of—
- (i) the maintenance procedures required by rule 119.109; and
  - (ii) the maintenance programme required by rule 119.111; and
  - (iii) the maintenance organisation that performs maintenance on the applicant's aircraft; and
- (10) details of the programmes required, as appropriate, by this Part and Part 135; and
- (11) details of the applicant's procedures that ensures compliance with the laws of any foreign State in which the applicant's aircraft operate; and
- (12) procedures to control, amend, and distribute the exposition.
- (b) The exposition must remain acceptable to the Director.

**Subpart D — Operating Requirements****119.151 Continued compliance**

- (a) A holder of an air operator certificate must comply with the operations specifications required by rule 119.15.
- (b) A holder of an air operator certificate must—

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- (1) continue to meet the standards and comply with the requirements of Subpart B or Subpart C as appropriate; and
- (2) comply with every procedure and programme detailed in the certificate holder's exposition; and
- (3) **except for the holder of a general aviation air operator certificate whose organisational management system is not required to comply with the requirements of rule 119.124(c)**, hold at each location specified in the certificate holder's exposition—
  - (i) at least 1 current copy of the certificate holder's operations specifications; and
  - (ii) in hard copy, electronic, or other form acceptable to the Director, at least 1 current copy of the relevant sections of the certificate holder's exposition that are applicable to the operations at the location.

**119.165 Changes to certificate holder's organisation**

- (a) **Each** holder of an air operator certificate **shall**—
  - (1) ensure that **its** exposition is amended so **as to remain** a current description of **its** organisation; and
  - (2) ensure that any **amendments** made to **its** exposition **meet the applicable requirements of this or any other Part** and **comply** with the amendment procedures contained in **its** exposition; and
  - (3) **forward to** the Director **for retention** a copy of each amendment to **its** exposition as soon as practicable after the amendment is incorporated into **its** exposition; and
  - (4) make such amendments to **its** exposition as the Director considers necessary in the interests of aviation safety.
- (b) **Where the certificate holder proposes to make a change to** any of the following, prior **application for and** acceptance by the Director is required:

- (1) continue to meet the standards and comply with the requirements of Subpart B or Subpart C as appropriate; and
- (2) comply with every procedure and programme detailed in the certificate holder's exposition; and
- (3) hold at each location specified in the certificate holder's exposition—
  - (i) at least 1 current copy of the certificate holder's operations specifications; and
  - (ii) in hard copy, electronic, or other form acceptable to the Director, at least 1 current copy of the relevant sections of the certificate holder's exposition that are applicable to the operations at the location.

**119.165 Changes to certificate holder's organisation**

- (a) **A** holder of an air operator certificate **must**—
  - (1) ensure that **the** exposition is amended so that it remains a current description of **the holder's** organisation; and
  - (2) ensure that any **amendment** made to **the** exposition—
    - (i) **is compliant with the Civil Aviation Rules**; and
    - (ii) **complies** with the amendment procedures contained in **the** exposition; and
  - (3) provide the Director with a copy of each amendment to the exposition—
    - (i) as soon as practicable after the amendment is incorporated into **the** exposition; and
    - (ii) **in a format that may be specified by the Director from time to time**; and
  - (4) make such amendments to **the** exposition as the Director considers necessary in the interests of aviation safety.
- (b) **Before a holder of an air operator certificate changes** any of the following, prior acceptance by the Director is required:

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|---|--|
| <p>(1) the Chief Executive:</p> <p>(2) the listed senior persons:</p> <p>(3) the locations nominated in 119.81(a)(7) or 119.125(a)(5), as appropriate, from which the certificate holder conducts air operations:</p> <p>(4) the scope of the certificate holder's certificate:</p> <p>(5) if an airline certificate holder, the overall scope or intent of the organisation's internal quality assurance procedures:</p> <p>(6) if a general aviation certificate holder to which 119.124(c) applies, the overall scope or intent of the organisation's management system:</p> <p>(7) the maintenance programme:</p> <p>(8) any contractor carrying out the certificate holder's maintenance or training:</p> <p>(9) the flight and duty scheme:</p> <p>(10) where required, the air operator security programme.</p> <p>(c) Except as provided in paragraph (g), the holder of a general aviation air operator certificate shall, if the holder's organisation changes to require the organisational management system specified in 119.124(c)—</p> <p>(1) amend their exposition to include the organisational management system specified in 119.124(c); and</p> <p>(2) employ, contract, or otherwise engage a senior person in accordance with 119.101(b)(1)(iv); and</p> <p>(3) ensure that that system is acceptable to the Director before performing the increased level of air operations.</p> <p>(d) The Director may prescribe conditions on the air operator certificate during or following any of the changes specified in paragraphs (b) or (c).</p> | <p>(1) the chief executive:</p> <p>(2) the title or name of any senior person referred to in rules 119.51(a)(2) and 119.101(a)(2):</p> <p>(3) the locations detailed in the exposition under rules 119.81(a)(9) or 119.125(a)(7), as appropriate, from which the certificate holder conducts air operations:</p> <p>(4) the scope of the certificate holder's certificate:</p> <p>(5) the system for safety management, if the change is a material change:</p> <p>(6) the maintenance programme:</p> <p>(7) any contractor carrying out the certificate holder's maintenance or training:</p> <p>(8) the flight and duty scheme:</p> <p>(9) where required, the air operator security programme.</p> <p>(c) To avoid doubt, a holder of an air operator certificate must comply with paragraph (a) when making a change referred to in paragraph (b).</p> <p>(d) The Director may impose conditions under which the holder of the air operator certificate must operate during or following any change.</p> |
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(e) The certificate holder shall comply with any conditions prescribed under paragraph (d).

(f) Where any of the changes referred to in paragraphs (b) or (c) requires an amendment to the certificate, the certificate holder shall forward the certificate to the Director as soon as practicable.

(g) The holder of a general aviation air operator certificate may operate for a period of up to seven days without completing the amendment required by paragraph (c) provided the change to the level of air operations—

- (1) is to complete otherwise unplanned operations; and
- (2) does not involve the organisation operating a total of more than five aircraft; and
- (3) is notified to the Director as soon as practicable.

**119.169 Transition**

(a) A holder of an airline air operator certificate is not required to comply with the following rules until 1 March 2008:

- (1) rule 119.61(a)(2);
- (2) rule 119.63(b)(1) regarding the aircraft type and serial number;
- (3) rule 119.63(b)(4);
- (4) rule 119.63(b)(9).

(b) A holder of a General Aviation Air Operator Certificate is not required to comply with the following rules until 1 March 2008:

- (1) rule 119.109(a)(2);
- (2) rule 119.111(b)(1) regarding the aircraft type and serial number;
- (3) rule 119.111(b)(4);
- (4) rule 119.111(b)(9);
- (5) rule 119.125(a)(9).

(e) The holder of an air operator certificate must comply with any condition imposed under paragraph (d).

(f) If any change requires an amendment to the air operator certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.

**119.169 Revoked**

**Current Rules****Part 119 Air Operator – Certification****Proposed Rules****Subpart E — Transitional Provisions****119.201 Transition for airline air operator certificate holders and applicants performing Part 121 or Part 125 operations**

- (a) This rule applies to each—
- (1) airline air operator certificate holder that performs any operations specified in rule 121.1 or rule 125.1;
  - (2) airline air operator certificate applicant that will perform any operations specified in rule 121.1 or rule 125.1.
- (b) Before [date that is 1 year after the date this rule comes into force], an organisation to which this rule applies—
- (1) is not required to comply with—
    - (i) rule 119.51(b)(1)(iv), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;
    - (ii) rule 119.79, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 119.205;
    - (iii) rule 119.81(a)(2);
    - (iv) rule 119.81(a)(4)(ii);
    - (v) rule 119.81(a)(8); but
  - (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 1 year from rule effective date] the system for safety management required under rule 119.79.
- (c) Each organisation that relies on paragraph (b) must submit the required implementation plan—
- (1) before [date that is 6 months after the rule comes into effect], if the organisation is an airline air operator certificate holder; or
  - (2) together with the organisation's application for an airline air operator certificate, if

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the organisation is an airline air operator certificate applicant.

(d) For the purpose of rule 119.165(b)(5), transitioning from an internal quality assurance system to the system for safety management required by rule 119.79 is deemed to be a material change to the system for safety management.

(e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 1 year after this rule comes into force]—

(1) rule 119.51(b)(1)(iv):

(2) rule 119.79:

(3) rule 119.81(a)(2):

(4) rule 119.81(a)(4)(ii):

(5) rule 119.81(a)(8).

(f) This rule expires on [date that is 1 year after rule effective date].

**119.203 Transition for airline air operator certificate holders and applicants performing Part 135 operations**

(a) This rule applies to each—

(1) airline air operator certificate holder that performs any operations specified in rule 135.1;

(2) airline air operator certificate applicant that will perform any operations specified in rule 135.1.

(b) Before [date that is 3 years after the date this rule comes into force], an organisation to which this rule applies—

(1) is not required to comply with—

(i) rule 119.51(b)(1)(iv), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;

(ii) rule 119.79, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal

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quality assurance system that complies with rule 119.205:

- (3) rule 119.81(a)(2):
  - (4) rule 119.81(a)(4)(ii):
  - (5) rule 119.81(a)(8); but
  - (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 3 years from rule effective date] the system for safety management required under rule 119.79.
  - (b) Each organisation that relies on paragraph (b) must submit the required implementation plan—
    - (1) before [date that is 9 months after the rule comes into effect], if the organisation is an airline air operator certificate holder; or
    - (2) together with the organisation's application for an airline air operator certificate, if the organisation is an airline air operator certificate applicant.
  - (c) For the purpose of rule 119.165(b)(5), transitioning from an internal quality assurance system to the system for safety management required by rule 119.79 is deemed to be a material change to the system for safety management.
  - (d) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 3 years after this rule comes into force]—
    - (1) rule 119.51(b)(1)(iv):
    - (2) rule 119.79:
    - (3) rule 119.81(a)(2):
    - (4) rule 119.81(a)(4)(ii):
    - (5) rule 119.81(a)(8).
  - (e) This rule expires on [date that is 3 years after rule effective date].
- 119.205 Transitional internal quality assurance for airline air operator certificate holders and applicants**
- (a) The internal quality assurance system required by rule 119.201(b)(1)(ii) and rule

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119.203(b)(1)(ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.

- (b) The internal quality assurance system must include—
  - (1) a **safety policy** and safety policy procedures, including the procedure for occurrence investigations conducted in accordance with Part 12; and
  - (2) a procedure to ensure **quality indicators**, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and
  - (3) a procedure for **corrective action** to ensure existing problems that have been identified within the system are corrected; and
  - (4) a procedure for **preventive action** to ensure that potential causes of problems that have been identified within the system are remedied; and
  - (5) an **internal audit programme** to audit the applicant's organisation for conformity with the procedures in its exposition and achievement of the goals set in its safety policy; and
  - (6) **management review** procedures that may, where appropriate, include the use of statistical analysis, to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures must ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure for corrective action must specify how—
  - (1) to correct an existing problem; and
  - (2) to follow up a corrective action to ensure the action is effective.
- (e) The procedure for preventive action must specify how—
  - (1) to correct a potential problem; and
  - (2) to follow up a preventive action to ensure the action is effective; and
  - (3) to amend any procedure required by this Part as a result of a preventive action.

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- (f) The internal quality audit programme must—
  - (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) measure the effectiveness of any preventive or corrective action taken by the personnel responsible for the activity being audited since the last audit; and
  - (5) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (6) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review must—
  - (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the manager who is responsible for the review of the quality assurance system; and
  - (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting safety.
- (i) This rule expires on [date that is 3 years after rule effective date].

**119.207 Transition for general aviation air operator certificate holders and applicants**

- (a) This rule applies to each—
  - (1) general aviation air operator certificate holder;
  - (2) general aviation air operator certificate applicant.

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- (b) Before [date that is 3 years after the date this rule comes into force], an organisation to which this rule applies—
- (1) is not required to comply with—
    - (i) rule 119.101(b)(1)(iv), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for an organisational management system;
    - (ii) rule 119.124, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an organisational management system that complies with rule 119.209;
    - (iii) rule 119.125(a)(2);
    - (iv) rule 119.125(a)(4)(ii);
    - (v) rule 119.125(a)(6); but
  - (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 3 years from rule effective date] the system for safety management required under rule 119.124.
- (c) Each organisation that relies on paragraph (b) must submit the required implementation plan—
- (1) before [date that is 9 months after the rule comes into effect], if the organisation is a general aviation air operator certificate holder; or
  - (2) together with the organisation's application for a general aviation air operator certificate, if the organisation is a general aviation air operator certificate applicant.
- (d) For the purpose of rule 119.165(b)(5), transitioning from an organisational management system to the system for safety management required by rule 119.124 is deemed to be a material change to the system for safety management.
- (e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 3 years after this rule comes into force]—
- (1) rule 119.101(b)(1)(iv);
  - (2) rule 119.124;

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- (3) rule 119.125(a)(2);
- (4) rule 119.125(a)(4)(ii);
- (5) rule 119.125(a)(6).
- (f) This rule expires on [date that is 3 years after rule effective date].

**119.209 Transitional organisational management system for general aviation air operator certificate holders or applicants**

- (a) The organisational management system required by rule 119.207(b)(1)(ii) must be established to ensure the organisation's compliance with, and adequacy of, the procedures required by this Part.
- (b) The organisational management system procedures must be of sufficient detail when considering the size and complexity of the operation to ensure that the appropriate organisational procedures are understood, implemented, and maintained at all levels of the organisation.
- (c) Except as provided in paragraph (e), the organisational management system must include—
  - (1) a safety policy and safety policy procedures, including the procedure for occurrence investigations conducted in accordance with Part 12; and
  - (2) a procedure to ensure personnel and customer feedback are monitored to identify existing problems or potential causes of problems within the system; and
  - (3) a procedure to ensure problems, or potential problems, that have been identified within the system are—
    - (i) corrected; and
    - (ii) checked to ensure any corrections have been effective; and
  - (4) a procedure to check that the organisation's programmes and procedures achieve the stated aims of its safety policy; and
  - (5) a procedure to ensure that the management of the organisation continues to be effective in satisfying the requirements of this Part, including—
    - (i) a regular plan of review; and

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- (ii) regular feedback to personnel including the results of the review and any actions undertaken to correct problems identified.
- (d) The senior person who has the responsibility for the organisational management system must communicate with the chief executive on matters affecting safety.
- (e) Paragraph (c) must not apply to an organisation that conducts or intends to conduct air operations—
  - (1) with a total of three or less aircraft listed on their operations specifications; and
  - (2) from a total of two or less bases.
- (f) This rule expires on [date that is 3 years after rule effective date].

**Appendix A — Qualifications and Experience of Senior Persons – Airline Air Operator Certificate Holder**

**A.4 Senior person responsible for internal quality assurance**

	Part 121 Operation	Part 125/135 Operation
Document required	Certificate in Quality Assurance or equivalent qualification or ↓	Certificate in Quality Assurance or equivalent qualification or ↓
	5 years experience in quality assurance management in the aviation industry	5 years experience in quality assurance management in the aviation industry
Experience	5 years experience in aviation with flight operations or maintenance background	5 years experience in aviation with flight operations or maintenance background

In addition, a person may be assessed as meeting the qualification requirements for this senior person position if they have had equivalent experience in quality assurance management acceptable to the Director.

**Appendix A — Qualifications and Experience of Senior Persons – Airline Air Operator Certificate Holder**

**A.4 Senior person responsible for the system for safety management**

Part 121, 125, or 135 Operation	
Knowledge	Demonstrate knowledge relevant to systems for safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

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**Appendix B — Qualifications and Experience of Senior Persons – General Aviation Air Operator Certificate Holder**

**B.4 Senior person responsible for the organisational management system**

Part 135 Operation		
	Greater than three aircraft and/or greater than two bases	Less than four aircraft and/or less than three bases
Document required	Certificate in Quality Assurance or equivalent qualification or ↓	General knowledge and awareness of quality assurance or management systems
	General knowledge and awareness of quality assurance or management systems or ↓	
	2 years experience in management systems in the aviation industry	
Experience	3 years experience in aviation with flight operations or maintenance background	

In addition, a person may be assessed as meeting the qualification requirements for this senior person position if they have had equivalent experience in quality assurance management acceptable to the Director.

**Appendix B — Qualifications and Experience of Senior Persons – General Aviation Air Operator Certificate Holder**

**B.4 Senior person responsible for the system for safety management**

Part 135 Operation	
Knowledge	Demonstrate knowledge relevant to systems for safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

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**Current Rules****Part 121 Air Operations – Large Aeroplanes****Proposed Rules****Subpart B – Maintenance****121.415 Maintenance review**

- (a) A holder of an air operator certificate must ensure that—
- (1) an aeroplane is not operated under the authority of the certificate unless a maintenance review for the aeroplane has been carried out within the previous 12 months; and
  - (2) each maintenance review that is carried out is certified in accordance with paragraph (d).
- (b) Except as provided in paragraph (c), the holder of an air operator certificate must ensure that a maintenance review for an aeroplane is not certified as having been carried out unless, since the last maintenance review—
- (1) due maintenance specified in the applicable maintenance programme for the aeroplane has been completed within the time period specified; and
  - (2) every applicable airworthiness directive has been complied with in accordance with the requirements prescribed in Part 39; and
  - (3) every defect entered in the technical log has been rectified or properly deferred in accordance with the procedures in the certificate holder's exposition; and
  - (4) every applicable certification for release-to-service has been made in accordance with Subpart C of Part 43.
- (c) The certificate holder may certify a maintenance review for an aeroplane on the basis of continuing compliance with **an internal quality assurance** programme acceptable to the Director if—
- (1) the programme samples every requirement of paragraph (b) during the review period; and
  - (2) the maintenance review is individually certified for each of the certificate holder's aeroplanes.
- (d) The certificate holder must ensure that the person who carries out a maintenance review for an aeroplane—
- (1) is authorised by the certificate holder and has experience; that is at least equivalent

**Subpart G – Maintenance****121.415 Maintenance review**

- (a) A holder of an air operator certificate must ensure that—
- (1) an aeroplane is not operated under the authority of the certificate unless a maintenance review for the aeroplane has been carried out within the previous 12 months; and
  - (2) each maintenance review that is carried out is certified in accordance with paragraph (d).
- (b) Except as provided in paragraph (c), the holder of an air operator certificate must ensure that a maintenance review for an aeroplane is not certified as having been carried out unless, since the last maintenance review—
- (1) due maintenance specified in the applicable maintenance programme for the aeroplane has been completed within the time period specified; and
  - (2) every applicable airworthiness directive has been complied with in accordance with the requirements prescribed in Part 39; and
  - (3) every defect entered in the technical log has been rectified or properly deferred in accordance with the procedures in the certificate holder's exposition; and
  - (4) every applicable certification for release-to-service has been made in accordance with Subpart C of Part 43.
- (c) The certificate holder may certify a maintenance review for an aeroplane on the basis of continuing compliance with **a** programme acceptable to the Director if—
- (1) the programme samples every requirement of paragraph (b) during the review period; and
  - (2) the maintenance review is individually certified for each of the certificate holder's aeroplanes.
- (d) The certificate holder must ensure that the person who carries out a maintenance review for an aeroplane—
- (1) is authorised by the certificate holder and has experience, that is at least equivalent

**Current Rules****Part 121 Air Operations – Large Aeroplanes****Proposed Rules**

to the experience required for the grant of an appropriate aircraft maintenance engineer licence rating, for the type of aeroplane; and

- (2) carries out the review in accordance with the applicable paragraph (b) or (c); and
- (3) certifies that the maintenance review has been carried out by entering the following statement in the appropriate maintenance logbook with the person's signature, authorisation number, and the date of entry:

*The maintenance review for this aeroplane and such of its equipment as is necessary for its continued airworthiness has been carried out in accordance with the requirements of Civil Aviation Rule 121.415.*

to the experience required for the grant of an appropriate aircraft maintenance engineer licence rating, for the type of aeroplane; and

- (2) carries out the review in accordance with the applicable paragraph (b) or (c); and
- (3) certifies that the maintenance review has been carried out by entering the following statement in the appropriate maintenance logbook with the person's signature, authorisation number, and the date of entry:

*The maintenance review for this aeroplane and such of its equipment as is necessary for its continued airworthiness has been carried out in accordance with the requirements of Civil Aviation Rule 121.415.*

**Current Rules****Part 125 Air Operations – Medium Aeroplanes****Proposed Rules****Subpart B – Flight Operations****125.79 SEIFR passenger operations**

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

**Subpart B – Flight Operations****125.79 SEIFR passenger operations**

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

**Current Rules****Part 125 Air Operations – Medium Aeroplanes****Proposed Rules**

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| <p>(4) ensure that the information required by paragraphs (2) and (3) is reviewed each calendar month in accordance with its <b>quality assurance programme</b> and that any corrective or preventive actions are recorded; and</p> <p>(5) ensure that the information required by paragraphs (2) and (3), and the records required by paragraph (4), are provided to the Director each calendar month except that after six months the provision of that information may be extended to once every three calendar months if the extension is approved by the Director under paragraph (b); and</p> <p>(6) ensure that each training syllabus required by Subpart I incorporates additional training—</p> <ul style="list-style-type: none"> <li>(i) to integrate any IFR experience gained by a flight crew member in a multi-engine aeroplane and any VFR experience gained by a flight crew member in a single-engine aeroplane into the SEIFR passenger operation; and</li> <li>(ii) necessary to conduct or avoid, as appropriate, SEIFR passenger operations in icing conditions; and</li> <li>(iii) if operations are to be conducted at night, necessary to conduct SEIFR passenger operations at night; and</li> <li>(iv) necessary to enable flight crew members to take appropriate action in the event of any non-normal warning or indication.</li> </ul> <p>(b) The Director may approve an extension to the provision of information and records under paragraph (a)(5) if the Director is satisfied that such an extension will not compromise aviation safety.</p> | <p>(4) ensure that the information required by paragraphs (2) and (3) is reviewed each calendar month in accordance with the <b>quality assurance programme that is required under rule 100.3(a)(3)</b> and that any corrective or preventive actions are recorded; and</p> <p>(5) ensure that the information required by paragraphs (2) and (3), and the records required by paragraph (4), are provided to the Director each calendar month except that after six months the provision of that information may be extended to once every three calendar months if the extension is approved by the Director under paragraph (b); and</p> <p>(6) ensure that each training syllabus required by Subpart I incorporates additional training—</p> <ul style="list-style-type: none"> <li>(i) to integrate any IFR experience gained by a flight crew member in a multi-engine aeroplane and any VFR experience gained by a flight crew member in a single-engine aeroplane into the SEIFR passenger operation; and</li> <li>(ii) necessary to conduct or avoid, as appropriate, SEIFR passenger operations in icing conditions; and</li> <li>(iii) if operations are to be conducted at night, necessary to conduct SEIFR passenger operations at night; and</li> <li>(iv) necessary to enable flight crew members to take appropriate action in the event of any non-normal warning or indication.</li> </ul> <p>(b) The Director may approve an extension to the provision of information and records under paragraph (a)(5) if the Director is satisfied that such an extension will not compromise aviation safety.</p> |
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**Subpart G – Maintenance****125.415 Maintenance review**

- (a) A holder of an air operator certificate must ensure that—
- (1) an aeroplane is not operated under the authority of the certificate unless a maintenance review for the aeroplane has been carried out within the previous 12 months; and

**Subpart G – Maintenance****125.415 Maintenance review**

- (a) A holder of an air operator certificate must ensure that—
- (1) an aeroplane is not operated under the authority of the certificate unless a maintenance review for the aeroplane has been carried out within the previous 12 months; and

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## Part 125 Air Operations – Medium Aeroplanes

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| <p>(2) each maintenance review that is carried out is certified in accordance with paragraph (d).</p> <p>(b) Except as provided in paragraph (c), the holder of an air operator certificate must ensure that a maintenance review for an aeroplane is not certified as having been carried out unless, since the last maintenance review—</p> <ol style="list-style-type: none"> <li>(1) due maintenance specified in the applicable maintenance programme for the aeroplane has been completed within the time period specified; and</li> <li>(2) every applicable airworthiness directive has been complied with in accordance with the requirements prescribed in Part 39; and</li> <li>(3) every defect entered in the technical log has been rectified or properly deferred in accordance with the procedures in the certificate holder's exposition; and</li> <li>(4) every applicable certification for release-to-service has been made in accordance with subpart C of Part 43.</li> </ol> <p>(c) The certificate holder may certify a maintenance review for an aeroplane on the basis of continuing compliance with an <b>internal quality assurance</b> programme acceptable to the Director if—</p> <ol style="list-style-type: none"> <li>(1) the programme samples every requirement of paragraph (b) during the review period; and</li> <li>(2) the maintenance review is individually certified for each of the certificate holder's <b>aeroplane</b>.</li> </ol> <p>(d) The certificate holder must ensure that the person who carries out the maintenance review for an aeroplane—</p> <ol style="list-style-type: none"> <li>(1) is authorised by the certificate holder and has experience that is at least equivalent to the experience required for the grant of an appropriate aircraft maintenance engineer licence rating, for the type of aeroplane; and</li> <li>(2) carries out the review in accordance with the applicable paragraph (b) or (c); and</li> <li>(3) certifies that the maintenance review has been carried out by entering the following statement in the appropriate maintenance logbook with the person's signature, authorisation number, and the date of entry:</li> </ol> | <p>(2) each maintenance review that is carried out is certified in accordance with paragraph (d).</p> <p>(b) Except as provided in paragraph (c), the holder of an air operator certificate must ensure that a maintenance review for an aeroplane is not certified as having been carried out unless, since the last maintenance review—</p> <ol style="list-style-type: none"> <li>(1) due maintenance specified in the applicable maintenance programme for the aeroplane has been completed within the time period specified; and</li> <li>(2) every applicable airworthiness directive has been complied with in accordance with the requirements prescribed in Part 39; and</li> <li>(3) every defect entered in the technical log has been rectified or properly deferred in accordance with the procedures in the certificate holder's exposition; and</li> <li>(4) every applicable certification for release-to-service has been made in accordance with subpart C of Part 43.</li> </ol> <p>(c) The certificate holder may certify a maintenance review for an aeroplane on the basis of continuing compliance with a programme acceptable to the Director if—</p> <ol style="list-style-type: none"> <li>(1) the programme samples every requirement of paragraph (b) during the review period; and</li> <li>(2) the maintenance review is individually certified for each of the certificate holder's <b>aeroplanes</b>.</li> </ol> <p>(d) The certificate holder must ensure that the person who carries out the maintenance review for an aeroplane—</p> <ol style="list-style-type: none"> <li>(1) is authorised by the certificate holder and has experience that is at least equivalent to the experience required for the grant of an appropriate aircraft maintenance engineer licence rating, for the type of aeroplane; and</li> <li>(2) carries out the review in accordance with the applicable paragraph (b) or (c); and</li> <li>(3) certifies that the maintenance review has been carried out by entering the following statement in the appropriate maintenance logbook with the person's signature, authorisation number, and the date of entry:</li> </ol> |
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**Current Rules****Part 125 Air Operations – Medium Aeroplanes****Proposed Rules**

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

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

**Current Rules****Part 135 Air Operations- Helicopters and Small Aeroplanes****Proposed Rules****Subpart G – Maintenance****135.415 Maintenance review**

(a) A holder of an air operator certificate who, under rule 135.402(a), has identified in the appropriate maintenance programme that an aircraft is to be subject to a maintenance review must ensure that—

- (1) the aircraft is not operated under the authority of the certificate unless a maintenance review of the aircraft has been carried within the previous 12 months; and
- (2) each maintenance review that is carried out is certified in accordance with paragraph (d).

(b) Except as provided in paragraph (c), the holder of an air operator certificate must ensure that a maintenance review of an aircraft is not certified as having been carried out unless —

- (1) the aircraft conforms to its type certificate data sheet or equivalent type data that is acceptable to the Director; and
- (2) for an aircraft that is required by rule 91.509(b) to be fitted with a time-in-service recorder,—
  - (i) the time-in-service recorder reading is recorded in the appropriate maintenance logbook; and
  - (ii) the aircraft's total time-in-service recorded in the technical log is compared with the time-in-service recorder reading; and
  - (iii) any discrepancy between the time-in-service figures referred to in paragraph (b)(2)(ii) is reported in accordance with rule 43.155(a)(4); and
- (3) since the last maintenance review—
  - (i) every modification and repair has been correctly recorded and **conform** to the applicable technical data listed in Appendix D of Part 21; and
  - (ii) due maintenance specified in the applicable maintenance programme for the aircraft has been completed within the time periods specified; and
  - (iii) every applicable airworthiness directive has been complied with in

**Subpart G – Maintenance****135.415 Maintenance review**

(a) A holder of an air operator certificate who, under rule 135.402(a), has identified in the appropriate maintenance programme that an aircraft is to be subject to a maintenance review must ensure that—

- (1) the aircraft is not operated under the authority of the certificate unless a maintenance review of the aircraft has been carried within the previous 12 months; and
- (2) each maintenance review that is carried out is certified in accordance with paragraph (d).

(b) Except as provided in paragraph (c), the holder of an air operator certificate must ensure that a maintenance review of an aircraft is not certified as having been carried out unless —

- (1) the aircraft conforms to its type certificate data sheet or equivalent type data that is acceptable to the Director; and
- (2) for an aircraft that is required by rule 91.509(b) to be fitted with a time-in-service recorder,—
  - (i) the time-in-service recorder reading is recorded in the appropriate maintenance logbook; and
  - (ii) the aircraft's total time-in-service recorded in the technical log is compared with the time-in-service recorder reading; and
  - (iii) any discrepancy between the time-in-service figures referred to in paragraph (b)(2)(ii) is reported in accordance with rule 43.155(a)(4); and
- (3) since the last maintenance review—
  - (i) every modification and repair has been correctly recorded and **conforms** to the applicable technical data listed in Appendix D of Part 21; and
  - (ii) due maintenance specified in the applicable maintenance programme for the aircraft has been completed within the time periods specified; and
  - (iii) every applicable airworthiness directive has been complied with in

## Current Rules

## Part 135 Air Operations- Helicopters and Small Aeroplanes

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accordance with Part 39; and

- (iv) every defect recorded in the technical log has been rectified or properly deferred in accordance with the procedures in the certificate holder's exposition; and
- (v) every applicable certification for release-to-service has been made in accordance with Subpart C of Part 43.

(c) A holder of an airline air operator certificate may certify a maintenance review of an aircraft on the basis of continuing compliance with an **internal quality assurance** programme acceptable to the Director if—

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

(d) The certificate holder must ensure that the person who carries out a maintenance review of an aircraft—

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

*The maintenance review of this aircraft and such of its equipment as is necessary for its continued airworthiness has been carried out in accordance with the requirements of Civil Aviation Rule 135.415.*

accordance with Part 39; and

- (iv) every defect recorded in the technical log has been rectified or properly deferred in accordance with the procedures in the certificate holder's exposition; and
- (v) every applicable certification for release-to-service has been made in accordance with Subpart C of Part 43.

(c) A holder of an airline air operator certificate may certify a maintenance review of an aircraft on the basis of continuing compliance with a programme acceptable to the Director if—

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

(d) The certificate holder must ensure that the person who carries out a maintenance review of an aircraft—

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

*The maintenance review of this aircraft and such of its equipment as is necessary for its continued airworthiness has been carried out in accordance with the requirements of Civil Aviation Rule 135.415.*

**Current Rules****Part 137 Agricultural Aircraft Operations****Proposed Rules****Subpart D — Commercial Operations – General****137.153 Issue of certificate**

Subject to section 9 of the Act an applicant is entitled to an agricultural aircraft operator certificate if the Director is satisfied that the applicant—

- (1) has engaged a senior person as the Chief Executive who has the authority to ensure that all activities can be financed and carried out in accordance with this Part; and
- (2) has engaged a senior person as the Chief Pilot who holds a current chemical rating if applicable and—
  - (i) has held or holds a current Grade 1 agricultural rating issued under Part 61; and
  - (ii) has practical experience, acceptable to the Director, appropriate for the type of operation being conducted; and
- (3) the applicant and the senior person or senior persons required under paragraphs (1) and (2) are fit and proper persons; and
- (4) the granting of the certificate is not contrary to the interests of aviation safety.

**137.155 Revoked****Subpart D — Commercial Operations – General****137.153 Issue of certificate**

An applicant is entitled to an agricultural aircraft operator certificate if the Director is satisfied that, in accordance with section 9 of the Act,—

- (1) the applicant has employed, contracted, or otherwise engaged a senior person identified as the chief executive who—
  - (i) has the authority within the organisation to ensure that every activity undertaken by the organisation under the authority of the certificate can be financed and carried out in accordance with this Part; and
  - (ii) is responsible for ensuring that the organisation complies with this Part; and
- (2) the applicant has employed, contracted, or otherwise engaged a senior person or persons accountable to the chief executive who are responsible for—
  - (i) agricultural operations including flight operations and the supporting ground operations (chief pilot);
  - (ii) the system for safety management required under rule 137.155; and
- (3) the senior persons referred to in paragraph (2)(ii) meet the qualifications, knowledge and experience requirements specified in Appendix C; and
- (4) the applicant, where the applicant is a natural person, and the senior persons required by paragraphs (1) and (2) are fit and proper persons; and
- (5) the granting of the certificate is not contrary to the interests of aviation safety.

**137.155 Safety management**

An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

**137.160 Agricultural aircraft operator safety management documentation**

(b) An applicant for an agricultural aircraft operator certificate must provide the Director with a document containing—

**Current Rules****Part 137 Agricultural Aircraft Operations****Proposed Rules**

- (1) the following information relating to the safety management required by rule 137.155:
    - (i) all of the documentation required by rule 100.3(b);
    - (ii) for an applicant that is not applying for a renewal of an agricultural aircraft operator certificate, an implementation plan that describes how the system for safety management will be implemented; and
  - (2) the title, name, duties, and responsibilities of the senior person responsible for the system for safety management; and
  - (3) a summary of the lines of safety responsibility and accountability within the organisation, including the direct safety accountabilities of staff to the chief executive.
- (c) The chief executive of the applicant's organisation must provide the Director with a statement signed by the chief executive on behalf of the organisation confirming that the information provided under paragraph (a)(1)—
- (1) demonstrates the organisation's means and methods for ensuring ongoing compliance with Part 100; and
  - (2) is required to comply with Part 100.
- (d) The applicant must provide the information required by this rule in a format specified from time to time by the Director.
- (e) The documentation required by this rule must remain acceptable to the Director.

**Subpart E — Commercial Operations – Operating Requirements****137.209 Changes to operations**

The holder of an agricultural aircraft operator certificate must—

- (1) notify the Director in writing of any change that affects the currency of any information required by form CAA 24137/01; and
- (2) obtain prior acceptance from the Director before changing the Chief Executive or **Chief Pilot**.

**Subpart E — Commercial Operations – Operating Requirements****137.209 Changes to operations**

A holder of an agricultural aircraft operator certificate must—

- (1) notify the Director in writing of any change that affects the currency of any information required by form CAA 24137/01; and
- (2) obtain prior acceptance from the Director before changing—
  - (i) the chief executive or the person referred to in rule 137.153(2); or

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## Part 137 Agricultural Aircraft Operations

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- (ii) the system for safety management, if the change is a material change.

**Subpart G — Transition Provisions****137.301 Transition for agricultural aircraft operator certificate holders and applicants**

- (f) This rule applies to each—
  - (1) agricultural aircraft operator certificate holder;
  - (2) agricultural aircraft operator certificate applicant.
- (g) Before *[date that is 3 years after the date this rule comes into force]*, an organisation to which this rule applies—
  - (1) is not required to comply with—
    - (i) rule 137.153(2)(ii);
    - (ii) rule 137.155;
    - (iii) rule 137.160: but
  - (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by *[date 3 years from rule effective date]* the system for safety management required under rule 137.155.
- (h) Each organisation that relies on paragraph (b) must submit the required implementation plan—
  - (1) before *[date that is 9 months after the rule comes into effect]*, if the organisation is an agricultural aircraft operator certificate holder; or
  - (2) together with the organisation's application for an agricultural aircraft operator certificate, if the organisation is an agricultural aircraft operator certificate applicant.
- (i) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before *[date that is 3 years after this rule comes into force]*—
  - (1) rule 137.153(2)(ii);

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**Part 137 Agricultural Aircraft Operations**

**Proposed Rules**

- (2) rule 137.155:
- (3) rule 137.160.
- (j) This rule expires on [date that is 3 years after rule effective date].

**Appendix C — Revoked**

**Appendix C**

**Table C.1 Senior person responsible for agricultural operations (chief pilot)**

Document required	Has held, or holds a current grade 1 agricultural rating. Has passed a chemical refresher course within the preceding 5 years.
Experience	Has practical experience acceptable to the Director appropriate for the type of operation being conducted.

**Table C.2 Senior person responsible for the system for safety management**

Knowledge	Demonstrate knowledge relevant to systems of safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

**Current Rules****Part 139 Aerodromes – Certification, Operation and Use****Proposed Rules****Subpart B – Certification Requirements****139.55 Personnel requirements**

- (a) Each applicant for the grant of an aerodrome operating certificate shall engage, employ or contract:
- (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements prescribed by Subparts A, B, C, and D:
  - (2) a senior person or group of senior persons who are responsible for ensuring that the aerodrome and its operation comply with the requirements of Subparts A, B, C, and D. Such nominated person or persons shall be ultimately responsible to the Chief Executive:
  - (3) sufficient personnel to operate and maintain the aerodrome and its services and facilities in accordance with the requirements of Subparts A, B, C, and D.
- (b) The applicant shall establish a procedure for initially assessing and for maintaining the competence of personnel required to operate and maintain the aerodrome and its services and

**Subpart B – Certification Requirements<sup>1</sup>****139.55 Personnel requirements**

- (a) Each applicant for the grant of an aerodrome operating certificate shall engage, employ or contract:
- (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements prescribed by Subparts A, B, C, and D:
  - (2) a senior person or group of senior persons who are responsible for —
    - (i) ensuring that the aerodrome and its operation comply with the requirements of Subparts A, B, C, and D; and
    - (ii) the system for safety management required under rule 139.75:
  - (2a) the nominated person or persons referred to in paragraph (2) shall be ultimately responsible to the Chief Executive:
  - (2b) The senior person referred to in paragraph (2)(ii) must be able to demonstrate knowledge and experience relevant to the management of safety systems and the activities of the certificate holder:
  - (3) sufficient personnel to operate and maintain the aerodrome and its services and facilities in accordance with the requirements of Subparts A, B, C, and D.
- (b) The applicant shall establish a procedure for initially assessing and for maintaining the competence of personnel required to operate and maintain the aerodrome and its services and

<sup>1</sup> The CAA is currently working on proposal to amendment to Part 139 (*Part 139 Amendment*).

The proposed *Part 139 Amendment* has not yet been approved, so the proposed consequential SMS changes have been marked on the current Part 139 and not the proposed *Part 139 Amendment*. However, if the *Part 139 Amendment* is approved, the proposed SMS amendments will be made to Part 139 as it is amended by the *Part 139 Amendment*.

**Current Rules****Part 139 Aerodromes – Certification, Operation and Use****Proposed Rules**

facilities.

**139.75 Aerodrome internal quality assurance**

(a) Each applicant for the grant of an aerodrome operating certificate shall establish internal quality assurance procedures to ensure compliance with, and the adequacy of, the procedures, plans, systems and programmes, required by Subparts B, C, and D.

(b) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive on matters affecting the safety of aircraft operations and the performance of the aerodrome services and facilities.

**139.77 Aerodrome certification exposition**

(a) An applicant for the grant of an aerodrome operating certificate must provide the Director with an exposition which must contain—

- (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) is to be complied with at all times; and
- (2) the titles and names of the senior person or persons required by rule 139.55(a)(1) and (2); and
- (3) the duties and responsibilities of the senior person or persons specified in paragraph (a)(2) including matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and

facilities.

**139.75 Safety management**

An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

**139.77 Aerodrome certification exposition**

(a) An applicant for the grant of an aerodrome operating certificate must provide the Director with an exposition which must contain—

- (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) is to be complied with at all times; and
- (2) in relation to the system for safety management required by rule 139.75,—
  - (i) all of the documentation required by rule 100.3(b); and
  - (ii) for an applicant that is not applying for a renewal of an aerodrome operating certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (3) the titles and names of the senior person or persons required by rule 139.55(a)(1) and (2); and
- (4) the duties and responsibilities of the senior person or persons specified in paragraph (a)(3), including—
  - (i) matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
  - (ii) responsibilities for safety management; and

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| <p>(4) an organisation chart showing lines of responsibility of the senior person or persons specified in paragraph (a)(2); and</p> <p>(5) any limitations established under rule 139.53; and</p> <p>(6) each current exemption granted to the applicant from the requirements of Subparts A, B, C, or D; and</p> <p>(7) the aerodrome emergency plan required by rule 139.57; and</p> <p>(8) a statement of the rescue and firefighting category determined under rule 139.59 with a description of the extinguishing agents and vehicles required by rules 139.61 and 139.63, the procedure and personnel required by rule 139.65 and the procedures required by rule 139.111(d)(1) and (2); and</p> <p>(9) a description of the safeguards for public protection required by rule 139.69; and</p> <p>(10) the environmental management programme when required by rule 139.71; and</p> <p>(11) the procedures required by rule 139.73 for the notification of aerodrome data and information; and</p> <p>(12) the internal quality assurance procedures required by rule 139.75; and</p> <p>(13) the aerodrome maintenance programme required by rule 139.103(a); and</p> <p>(14) the procedures required by rule 139.105 for the preventive maintenance and checking of the aerodrome visual aids for navigation; and</p> <p>(15) the procedures and precautions required by rule 139.107 for any works on the aerodrome; and</p> <p>(16) the procedures required by rule 139.109 for the maintenance of the aerodrome emergency plan; and</p> <p>(17) the aerodrome inspection programme, procedures and reporting system required by rule 139.117; and</p> | <p>(5) an organisation chart showing lines of responsibility of the senior person or persons specified in paragraph (a)(3); and</p> <p>(6) any limitations established under rule 139.53; and</p> <p>(7) each current exemption granted to the applicant from the requirements of Subparts A, B, C, or D; and</p> <p>(8) a summary of the lines of safety responsibility and accountability within the organisation, including the direct safety accountabilities of staff to the chief executive; and</p> <p>(9) the aerodrome emergency plan required by rule 139.57; and</p> <p>(10) a statement of the rescue and firefighting category determined under rule 139.59 with a description of the extinguishing agents and vehicles required by rules 139.61 and 139.63, the procedure and personnel required by rule 139.65 and the procedures required by rule 139.111(d)(1) and (2); and</p> <p>(11) a description of the safeguards for public protection required by rule 139.69; and</p> <p>(12) the environmental management programme when required by rule 139.71; and</p> <p>(13) the procedures required by rule 139.73 for the notification of aerodrome data and information; and</p> <p>(14) the aerodrome maintenance programme required by rule 139.103(a); and</p> <p>(15) the procedures required by rule 139.105 for the preventive maintenance and checking of the aerodrome visual aids for navigation; and</p> <p>(16) the procedures and precautions required by rule 139.107 for any works on the aerodrome; and</p> <p>(17) the procedures required by rule 139.109 for the maintenance of the aerodrome emergency plan; and</p> <p>(18) the aerodrome inspection programme, procedures and reporting system required by rule 139.117; and</p> |
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- (18) the procedures required by rule 139.119 for the control of ground vehicles; and
  - (19) the procedures required by rule 139.125 for limiting aircraft operations if an unsafe aerodrome condition occurs; and
  - (20) a description of measures taken to comply with the security requirements in Subpart D, including the programme and procedures required by rule 139.203(d)(8) and (9); and
  - (21) the procedures for controlling, amending and distributing the exposition.
- (b) The applicant's exposition must remain acceptable to the Director.

**Subpart C — Operating Requirements****139.127 Changes to certificate holder's organisation**

- (a) Each holder of an aerodrome operating certificate shall ensure that their exposition is amended to remain a current description of the aerodrome and its associated plans, programmes, services, systems, procedures, and facilities.
- (b) The certificate holder shall ensure that any amendments made to the holder's exposition meet the applicable requirements of this Part and comply with the amendment procedures contained in the holder's exposition.
- (c) The certificate holder shall provide the Director with a copy of each amendment to the holder's exposition as soon as practicable after its incorporation into the exposition.
- (d) Where a certificate holder proposes to make a change to any of the following, prior notification to and acceptance by the Director is required:
- (1) the Chief Executive:

- (19) the procedures required by rule 139.119 for the control of ground vehicles; and
  - (20) the procedures required by rule 139.125 for limiting aircraft operations if an unsafe aerodrome condition occurs; and
  - (21) a description of measures taken to comply with the security requirements in Subpart D, including the programme and procedures required by rule 139.203(d)(8) and (9); and
  - (22) the procedures for controlling, amending and distributing the exposition.
- (b) The applicant's exposition must remain acceptable to the Director.

**Subpart C — Operating Requirements****139.127 Changes to certificate holder's organisation**

- (a) A holder of an aerodrome operating certificate must—
- (1) ensure that the exposition is amended so that it remains a current description of the holder's organisation; and
  - (2) ensure that any amendment made to the exposition—
    - (i) is compliant with the Civil Aviation Rules; and
    - (ii) complies with the amendment procedures contained in the exposition; and
  - (3) provide the Director with a copy of each amendment to the exposition—
    - (i) as soon as practicable after the amendment is incorporated into the exposition; and
    - (ii) in a format that may be specified by the Director from time to time; and
  - (4) make such amendments to the exposition as the Director considers necessary in the interests of aviation safety.
- (b) Before a holder of an aerodrome operating certificate changes any of the following, prior acceptance by the Director is required—
- (1) the chief executive:

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- (2) the **listed** senior persons.
- (e) The Director may **prescribe** conditions under which **a certificate holder may** operate during or following **any of the changes specified in paragraph (d)**.
- (f) **A certificate holder shall** comply with any conditions **prescribed** under paragraph (e).
- (g) **Where any of the changes referred to in this rule** requires an amendment to the aerodrome operating certificate, the certificate holder **shall** forward the certificate to the Director as soon as practicable.
- (h) **The certificate holder shall** make such amendments to the **holder's** exposition as the Director **may consider** necessary in the interests of safety.

- (2) the **title or name of any** senior person **specified in the exposition as referred to in rule 139.55(a)(2)**:
- (3) **the system for safety management, if the change is a material change.**
- (c) **To avoid doubt, a holder of an aerodrome operator certificate must comply with paragraph (a) when making a change referred to in paragraph (b).**
- (d) The Director may **impose** conditions under which **the holder of the aerodrome operating certificate must** operate during or following any change.
- (e) **The holder of an aerodrome operator certificate must** comply with any conditions **imposed** under paragraph (d).
- (f) **If** any change requires an amendment to the aerodrome operating certificate, the certificate holder **must** forward the certificate to the Director **for endorsement of the change** as soon as practicable.

**Subpart G — Transitional Provisions****139.401 Transition for aerodrome operator certificate holders and applicants operating aerodromes servicing international regular air transport operations**

- (a) **This rule applies to each—**
- (1) **aerodrome operating certificate holder that operates an aerodrome serving 1 or more aeroplanes that are engaged in regular air transport operations where—**
    - (i) **the aeroplane's point of take-off that immediately precedes the aeroplane landing at the aerodrome, is an aerodrome outside New Zealand; or**
    - (ii) **the aeroplane's point of landing that immediately follows the aeroplane taking-off from the aerodrome, is an aerodrome outside New Zealand;**
  - (2) **aerodrome operating certificate applicant that will operate an aerodrome serving 1 or more aeroplanes that are engaged in regular air transport operations where—**
    - (i) **the aeroplane's point of take-off that immediately precedes the aeroplane landing at the aerodrome, is an aerodrome outside New Zealand; or**

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- (ii) the aeroplane's point of landing that immediately follows the aeroplane taking-off from the aerodrome, is an aerodrome outside New Zealand.
- (b) Before [date that is 1 year after the date this rule comes into force], an organisation to which this rule applies—
  - (1) is not required to comply with—
    - (i) rule 139.55(b)(2), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;
    - (ii) rule 139.75, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 139.405;
    - (iii) rule 139.77(a)(2);
    - (iv) rule 139.77(a)(4)(ii);
    - (v) rule 137.77(a)(8); but
  - (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 1 year from rule effective date] the system for safety management required under rule 139.75.
- (c) Each organisation that relies on paragraph (b) must submit the required implementation plan—
  - (1) before [date that is 6 months after the rule comes into effect], if the organisation is an aerodrome operating certificate holder; or
  - (2) together with the organisation's application for an aerodrome operating certificate, if the organisation is an aerodrome operating certificate applicant.
- (d) For the purpose of rule 139.127(b)(3), transitioning from an internal quality assurance system to the system for safety management required by rule 139.75 is deemed to be a material change to the system for safety management.
- (e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 1 year after this rule comes into force]—

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- (1) rule 139.55(b)(2):
  - (2) rule 139.75:
  - (3) rule 139.77(a)(2):
  - (4) rule 139.77(a)(4)(ii):
  - (5) rule 139.77(a)(8).
- (f) This rule expires on [date that is 1 year after rule effective date].

**139.403 Transition for aerodrome operator certificate holders and applicants that operate aerodromes not servicing international regular air transport operations**

- (a) This rule applies to each—
- (2) aerodrome operating certificate holder that operates an aerodrome that is not serving any aeroplanes that are engaged in regular air transport operations where—
    - (i) the aeroplane's point of take-off that immediately precedes the aeroplane landing at the aerodrome, is an aerodrome outside New Zealand; or
    - (ii) the aeroplane's point of landing that immediately follows the aeroplane taking-off from the aerodrome, is an aerodrome outside New Zealand;
  - (3) aerodrome operating certificate applicant that will operate an aerodrome that will not be serving any aeroplanes that are engaged in regular air transport operations where—
    - (i) the aeroplane's point of take-off that immediately precedes the aeroplane landing at the aerodrome, is an aerodrome outside New Zealand; or
    - (ii) the aeroplane's point of landing that immediately follows the aeroplane taking-off from the aerodrome, is an aerodrome outside New Zealand;
- (b) Before [date that is 3 years after the date this rule comes into force], an organisation to which this rule applies—
- (1) is not required to comply with—

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- (i) rule 139.55(b)(2), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;
  - (ii) rule 139.75, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 139.405;
  - (iii) rule 139.77(a)(2);
  - (iv) rule 139.77(a)(4)(ii);
  - (v) rule 137.77(a)(8); but
- (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 1 year from rule effective date] the system for safety management required under rule 139.75.
- (c) Each organisation that relies on paragraph (b) must submit the required implementation plan—
- (1) before [date that is 9 months after the rule comes into effect], if the organisation is an aerodrome operating certificate holder; or
  - (2) together with the organisation's application for an aerodrome operating certificate, if the organisation is an aerodrome operating certificate applicant.
- (d) For the purpose of rule 139.127(b)(3), transitioning from an internal quality assurance system to the system for safety management required by rule 139.75 is deemed to be a material change to the system for safety management.
- (e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 3 years after this rule comes into force]—
- (1) rule 139.55(b)(2);
  - (2) rule 139.75;
  - (3) rule 139.77(a)(2);
  - (4) rule 139.77(a)(4)(ii);

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(5) rule 139.77(a)(8).

(f) This rule expires on [date that is 3 years after rule effective date].

**139.405 Transitional internal quality assurance for aerodrome operator certificate holders and applicants**

(a) The internal quality assurance system required by rule 139.401(b)(1)(ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.

(b) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting the safety of aircraft operations and the performance of the aerodrome services and facilities.

(c) This rule expires on [date that is 3 years after rule effective date].

**Current Rules**

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**Proposed Rules**

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**Current Rules****Part 141 Aviation Training Organisations – Certification****Proposed Rules****Subpart B — Standard Certification Requirements****141.51 Personnel requirements**

(a) Each applicant for the grant of a standard aviation training organisation certificate shall engage, employ or contract:

- (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that all training courses and assessments conducted by the organisation can be financed and carried out in accordance with the requirements prescribed by this Part;
- (2) a senior person or group of senior persons who are responsible for ensuring that the applicant's 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, conduct, and supervise the training courses and assessments listed in the applicant's exposition.

(b) The applicant shall establish a procedure for initially assessing, and a procedure for maintaining, the competence of those personnel conducting the training courses and assessments listed in the applicant's exposition.

**141.61 Internal quality assurance**

(a) Each applicant for the grant of an aviation training organisation certificate shall establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.

(b) The internal quality assurance system shall include—

- (1) a safety policy and safety policy procedures that are relevant to the applicant's

**Subpart B — Certification Requirements****141.51 Personnel requirements**

(a) An applicant for the grant of a standard aviation training organisation certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who—
  - (i) has the authority within the organisation to ensure that every activity undertaken by the organisation under the authority of the certificate can be financed and carried out in accordance with this Part; and
  - (ii) is responsible for ensuring that the organisation complies with this Part; and
- (2) a senior person or persons accountable to the chief executive who are responsible for—
  - (i) ensuring that the organisation complies with its exposition; and
  - (ii) the system of safety management; and
- (3) sufficient personnel to plan, conduct, and supervise the training courses and assessments listed in the exposition.

(b) The senior person required by paragraph (a)(2)(ii) must be able to demonstrate knowledge and experience relevant to the management of safety systems and the activities of the certificate holder.

(c) The applicant must establish procedures for initially assessing, and for maintaining, the competence of those personnel conducting the training courses and assessments listed in the exposition.

**141.61 Safety management**

An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

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- organisational goals and the expectations and needs of its customers; and
- (2) a procedure to ensure quality indicators, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and
  - (3) a procedure for corrective action to ensure existing problems that have been identified within the system are corrected; and
  - (4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and
  - (5) an internal audit programme to audit the applicant's organisation for conformity with the procedures in its exposition and achievement of the goals set in its safety policy; and
  - (6) management review procedures, which shall include the use of statistical analysis, to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures shall ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure for corrective action shall specify how—
- (1) to correct an existing problem; and
  - (2) to follow up a corrective action to ensure the action is effective; and
  - (3) management will measure the effectiveness of any corrective action taken.
- (e) The procedure for preventive action shall specify how—
- (1) to correct a potential problem; and
  - (2) to follow up a preventive action to ensure the action is effective; and
  - (3) to amend any procedure required by this Part as a result of a preventive action; and
  - (4) management will measure the effectiveness of any preventive action taken.

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- (f) The internal quality audit programme shall—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review shall—
- (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the responsible manager who shall review the quality assurance system; and
  - (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive on matters affecting safety.

**141.63 Organisation exposition**

- (a) An applicant for the grant of a standard aviation training organisation certificate must provide the Director with an exposition **which must** contain—
- (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

**141.63 Standard aviation training organisation exposition**

- (a) An applicant for the grant of a standard aviation training organisation certificate must provide the Director with an exposition, **in a format that may be specified by the Director from time to time, that** contains—
- (1) a statement signed by the chief executive on behalf of the organisation confirming that the exposition and any included manuals—
    - (i) defines the organisation and demonstrate its means and methods for ensuring ongoing compliance with **the Civil Aviation Rules**; and

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| <p>(ii) will be complied with at all times; and</p> <p>(2) the titles and names of the senior <b>person or</b> persons required by rules 141.51 (a)(1) and (2); and</p> <p>(3) the duties and responsibilities of the senior <b>person or</b> persons <b>specified in paragraph (a)(2)</b>, including matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and</p> <p>(4) an organisation chart showing lines of responsibility of the senior persons specified in paragraph <b>(a)(2)</b>; and</p> <p>(5) a list of the training courses and assessments to be covered by the certificate; and</p> <p>(6) the locations at which each training course or assessment will be conducted; and</p> <p>(7) the course outline and the curriculum for each of the training courses and assessments to be conducted by the organisation; and</p> <p>(8) details of the applicant's procedures required by—</p> <p style="margin-left: 20px;">(i) rule 141.51(b) regarding the competence of personnel; and</p> <p style="margin-left: 20px;">(ii) rule 141.55(b) regarding the control of documentation; and</p> <p style="margin-left: 20px;">(iii) rule 141.57(b) regarding training courses and assessments; and</p> | <p>(ii) will be complied with at all times; and</p> <p>(2) <b>in relation to the system for safety management required by rule 141.61,—</b></p> <p style="margin-left: 20px;">(i) <b>all of the documentation required by rule 100.3(b); and</b></p> <p style="margin-left: 20px;">(ii) <b>for an applicant that is not applying for a renewal of a standard aviation training organisation certificate, an implementation plan that describes how the system for safety management will be implemented; and</b></p> <p>(3) the titles and names of the senior persons required by rules 141.51 (a)(1) and (2); and</p> <p>(4) the duties and responsibilities of the senior persons <b>referred to in rules 141.51(a)(1) and (2)</b>, including —</p> <p style="margin-left: 20px;">(i) <b>matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and</b></p> <p style="margin-left: 20px;">(ii) <b>responsibilities for safety management; and</b></p> <p>(5) an organisation chart showing lines of responsibility of the senior persons referred to in paragraph <b>(a)(3)</b>; and</p> <p>(6) <b>a summary of the lines of safety responsibility within the organisation, including the direct safety accountabilities of staff to the chief executive; and</b></p> <p>(7) a list of the training courses and assessments to be covered by the certificate; and</p> <p>(8) the locations at which each training course or assessment will be conducted; and</p> <p>(9) the course outline and the curriculum for each of the training courses and assessments to be conducted by the organisation; and</p> <p>(10) details of the applicant's procedures required by—</p> <p style="margin-left: 20px;">(i) rule 141.51(c) regarding the competence of personnel; and</p> <p style="margin-left: 20px;">(ii) rule 141.55(b) regarding the control of documentation; and</p> <p style="margin-left: 20px;">(iii) rule 141.57(b) regarding training courses and assessments; and</p> |
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- (iv) rule 141.59(b) regarding records; and
- (v) rule 141.61(b) regarding internal quality assurance; and
- (9) procedures for controlling, amending and distributing the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

**Subpart C — Standard Operating Requirements****141.103 Changes to certificate holder's organisation**

- (a) Each holder of a standard aviation training organisation certificate shall ensure that their exposition is amended so as to remain a current description of the holder's organisation.
- (b) The certificate holder shall ensure that any amendments made to the holder's exposition meet the applicable requirements of this Part and comply with the amendment procedures contained in the holder's exposition.
- (c) The certificate holder shall provide the Director with a copy of each amendment to the holder's exposition as soon as practicable after its incorporation into the exposition.
- (d) Where a certificate holder proposes to make a change to any of the following, prior notification to and acceptance by the Director is required:
  - (1) the Chief Executive;
  - (2) the listed senior persons;
  - (3) the locations at which training courses or assessments may be carried out;
  - (4) the training courses or assessments for which the certificate is granted.

- (iv) rule 141.59(b) regarding records; and
- (11) procedures to control, amend and distribute the exposition.
- (b) The exposition must remain acceptable to the Director.

**Subpart C — Standard Operating Requirements****141.103 Changes to certificate holder's organisation**

- (a) A holder of a standard aviation training organisation certificate must—
  - (1) ensure that the exposition is amended so that it remains a current description of the holder's organisation.
  - (2) ensure that any amendment made to the exposition—
    - (i) is compliant with the Civil Aviation Rules; and
    - (ii) complies with the amendment procedures contained in the exposition; and
  - (3) provide the Director with a copy of each amendment to the exposition—
    - (i) as soon as practicable after the amendment has been incorporated into the exposition; and
    - (ii) in a format that may be specified by the Director from time to time; and
  - (4) make such amendments to the exposition as the Director considers necessary in the interests of safety.
- (b) Before a holder of a standard aviation training organisation certificate changes any of the following, prior acceptance by the Director is required:
  - (1) the chief executive;
  - (2) the title or name of any senior person referred to in rule 141.51(a)(2);
  - (3) the locations at which training courses or assessments may be carried out;
  - (4) the training courses or assessments for which the certificate is granted;

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- (e) The Director may **prescribe** conditions under which a **certificate holder may** operate during or following any of the changes specified in paragraph (d).
- (f) **A certificate holder shall** comply with any conditions **prescribed** under paragraph (e).
- (g) **Where any of the changes referred to in this rule require** an amendment to the certificate, the certificate holder **shall** forward the certificate to the Director as soon as practicable.
- (h) **The certificate holder shall make such amendments to the holder's exposition as the Director may consider necessary in the interests of aviation safety.**

- (5) **the system for safety management, if the change is a material change.**
- (c) **To avoid doubt, a holder of a standard aviation training organisation certificate must comply with paragraph (a) when making a change referred to in paragraph (b).**
- (d) The Director may **impose** conditions under which the **holder of the standard aviation training organisation certificate must** operate during or following any change.
- (e) **The holder of a standard aviation training organisation certificate must** comply with any condition **imposed** under paragraph (d).
- (f) **If any change requires** an amendment to the **standard aviation training organisation certificate, the certificate holder must forward the certificate to the Director for endorsement of the change** as soon as practicable.

**Subpart E — Transitional Provisions****141.201 Transition for standard aviation training organisation certificate holders and applicants**

- (a) This rule applies to each—
- (1) standard aviation training organisation certificate holder:
  - (2) standard aviation training organisation certificate applicant.
- (b) Before [date that is 3 years after the date this rule comes into force], an organisation to which this rule applies—
- (1) is not required to comply with—
    - (i) rule 141.51(a)(2)(ii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:
    - (ii) rule 141.61, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 141.203:

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(iii) rule 141.63(a)(2):

(iv) rule 141.63(a)(4)(ii):

(v) rule 141.63(a)(6); but

(2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 3 years from rule effective date] the system for safety management required under rule 141.61.

(c) Each organisation that relies on paragraph (b) must submit the required implementation plan—

(1) before [date that is 9 months after the rule comes into effect], if the organisation is a standard aviation training organisation certificate holder; or

(2) together with the organisation's application for a standard aviation training organisation certificate, if the organisation is a standard aviation training organisation certificate applicant.

(d) For the purpose of rule 141.103(b)(5), transitioning from an internal quality assurance system to the system for safety management required by rule 141.61 is deemed to be a material change to the system for safety management.

(e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 3 years after this rule comes into force]—

(1) rule 141.51(a)(2)(ii):

(2) rule 141.61:

(3) rule 141.63(a)(2):

(4) rule 141.63(a)(4)(ii):

(5) rule 141.63(a)(6).

(f) This rule expires on [date that is 3 years after rule effective date].

**141.203 Transitional internal quality assurance for standard aviation training organisation certificate holders and applicants**

(a) The internal quality assurance system required by rule 141.201(b)(1)(ii) must be

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established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.

- (b) The internal quality assurance system must include—
- (1) a safety policy and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its customers; and
  - (2) a procedure to ensure quality indicators, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and
  - (3) a procedure for corrective action to ensure existing problems that have been identified within the system are corrected; and
  - (4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and
  - (5) an internal audit programme to audit the applicant's organisation for conformity with the procedures in its exposition and achievement of the goals set in its safety policy; and
  - (6) management review procedures, which must include the use of statistical analysis, to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures must ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure for corrective action must specify how—
- (1) to correct an existing problem; and
  - (2) to follow up a corrective action to ensure the action is effective; and
  - (3) management will measure the effectiveness of any corrective action taken.
- (e) The procedure for preventive action must specify how—
- (1) to correct a potential problem; and
  - (2) to follow up a preventive action to ensure the action is effective; and

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- (3) to amend any procedure required by this Part as a result of a preventive action; and
- (4) management will measure the effectiveness of any preventive action taken.
- (f) The internal quality audit programme must—
  - (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review must—
  - (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the manager who is responsible for the review of the quality assurance system; and
  - (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting safety.
- (i) This rule expires on [date that is 3 years after rule effective date].

**Current Rules**

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**Current Rules****Part 145 Maintenance Organisations – Certification****Proposed Rules****Subpart B — Certification Requirements****145.51 Personnel requirements**

(a) An applicant for the grant of a maintenance organisation certificate must **engage, employ, or contract**—

(1) a senior person identified as the **Chief Executive** who has the authority within the **applicant's** organisation to ensure that every activity undertaken by the organisation can be financed and carried out in accordance with **the requirements prescribed by** this Part; and

(2) a senior person or **group of senior persons who is or are** responsible for ensuring that the **applicant's organisation complies with the requirements of this Part. The nominated person or persons must be ultimately responsible to the Chief Executive for the following functions:**

- (i) the control and direction of maintenance activities;
- (ii) personnel authorisations;
- (iii) internal quality assurance; and**

(3) sufficient personnel to plan, perform, supervise, inspect, and certify the maintenance activities listed in the **applicant's** exposition.

**Subpart B — Certification Requirements****145.51 Personnel requirements**

(a) An applicant for the grant of a maintenance organisation certificate must **employ, contract, or otherwise engage**—

(1) a senior person identified as the **chief executive** who—

- (i) has the authority within the organisation to ensure that every activity undertaken by the organisation **under the authority of the certificate** can be financed and carried out in accordance with this Part; and
- (ii) **is responsible for ensuring that the organisation complies with this Part;** and

(2) a senior person or persons **accountable to the chief executive** who are responsible for—

- (i) **ensuring that the organisation complies with the exposition;** and
- (ii) **the functions referred to in paragraph (b)(1);** and

(3) sufficient personnel to plan, perform, supervise, inspect, and certify the maintenance activities listed in the exposition.

(b) **The senior persons referred to in paragraph (a)(2) must, unless it is otherwise accepted by the Director, each be responsible for no more than one of the following functions:**

- (1) the control and direction of maintenance activities;
- (2) personnel authorisations;
- (3) **the system for safety management required under rule 145.65;** and

(c) **The senior person required by paragraph (b)(3) must be able to demonstrate knowledge and experience relevant to the management of safety systems and the activities of the certificate holder.**

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- (b) The applicant must —
- (1) establish a procedure for initially assessing and maintaining the competence of those personnel involved in planning, performing, supervising, inspecting, or certifying the maintenance activities performed by the applicant's organisation; and
  - (2) provide those personnel with written evidence of the scope of their authorisation.

**145.65 Internal quality assurance**

(a) Each applicant for the grant of a maintenance organisation certificate shall establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.

- (b) The internal quality assurance system shall include—
- (1) a safety policy and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its customers; and
  - (2) a procedure to ensure quality indicators, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and
  - (3) a procedure for corrective action to ensure that existing problems that have been identified within the system are corrected; and
  - (4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and
  - (5) an internal audit programme to audit the applicant's organisation for conformity with its safety policy; and
  - (6) management review procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures shall ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure for corrective action shall specify how—

- (d) The applicant must —
- (1) establish procedures for initially assessing, and for maintaining, the competence of those personnel involved in planning, performing, supervising, inspecting, or certifying the maintenance activities performed by the organisation; and
  - (2) provide those personnel with written evidence of the scope of their authorisation.

**145.65 Safety management**

An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

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- (1) existing problems are corrected; and
  - (2) corrective action is followed up to ensure the action is effective; and
  - (3) any procedure required for this Part is amended as a result of corrective action; and
  - (4) management will review the effectiveness of any corrective action taken.
- (e) The procedure for preventive action shall specify how—
- (1) potential problems are corrected; and
  - (2) preventive action is followed up to ensure the action is effective; and
  - (3) any procedure required for this Part is amended as a result of preventive action; and
  - (4) management will review the effectiveness of any preventive action taken.
- (f) The internal quality audit programme shall—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review shall—
- (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the responsible manager who shall review the quality assurance system;

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and

(3) ensure the results of the review are evaluated and recorded.

(h) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive on matters affecting safety.

**145.67 Maintenance organisation exposition**

(a) An applicant for the grant of a maintenance organisation certificate must provide the Director with an exposition that contains—

- (1) a statement signed by the applicant's chief executive on behalf of the applicant confirming that the exposition and any included manuals—
  - (i) define the maintenance organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
  - (ii) are required to be complied with by its personnel; and
- (2) the titles and names of the senior person or persons required by rules 145.51(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 Director on behalf of the maintenance organisation; and
- (4) an organisation chart showing lines of responsibility of the senior person or persons specified in paragraph (a)(2); and

**145.67 Maintenance organisation exposition**

(a) An applicant for the grant of a maintenance organisation certificate must provide the Director with an exposition, in a format that may be specified by the Director from time to time, that contains—

- (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 the Civil Aviation Rules; and
  - (ii) are required to be complied with by its personnel; and
- (2) in relation to the system for safety management required by rule 145.65,—
  - (i) all of the documentation required by rule 100.3(b); and
  - (ii) for an applicant that is not applying for a renewal of a maintenance organisation certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (3) the titles and names of the senior persons referred to in rules 145.51(a)(1) and (2); and
- (4) the duties and responsibilities of the senior persons referred to in rules 145.51(a)(1) and (2) including—
  - (i) matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
  - (ii) responsibilities for safety management; and
- (5) an organisation chart showing lines of responsibility of the senior persons referred to in rules 145.51(a)(1) and (2); and

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| <p>(5) except as provided in paragraph (b), details of every location where the applicant performs maintenance and details of the facilities at those locations; and</p> <p>(6) details of the applicant's staffing structure at each of the locations listed under paragraph (a)(5); and</p> <p>(7) a detailed description of the scope of work undertaken by the applicant; and</p> <p>(8) details of the applicant's procedures required by—</p> <ul style="list-style-type: none"> <li>(i) rule 145.51(b) regarding the assessment of competence of personnel; and</li> <li>(ii) rule 145.51(b) regarding on-going training to maintain the competence of personnel; and</li> <li>(iii) rule 145.52 regarding maintenance personnel duty time limitations; and</li> <li>(iv) rule 145.55(2) regarding the control and calibration of tools, jigs, maintenance equipment, and test equipment; and</li> <li>(v) rule 145.59(b)(1) regarding inspections of raw materials, parts, and assemblies; and</li> <li>(vi) rule 145.59(b)(2) regarding non-conforming materials and parts; and</li> <li>(vii) rule 145.59(b)(3) regarding the performance of maintenance activities; and</li> <li>(viii) rule 145.59(b)(4) regarding the subcontracting of maintenance activities; and</li> <li>(ix) rule 145.59(b)(5) regarding the identification, handling, storage, and packing of materials, parts, and assemblies; and</li> <li>(x) rule 145.59(b)(6) regarding the certification of aircraft and components for release-to-service; and</li> <li>(xi) rule 145.59(b)(7) regarding the issue of <i>CAA Form One – authorised release certificates</i>; and</li> </ul> | <p>(6) except as provided in paragraph (b), details of every location where the applicant performs maintenance and details of the facilities at those locations; and</p> <p>(7) details of the applicant's staffing structure at each of the locations listed under paragraph (a)(6); and</p> <p>(8) a summary of the lines of safety responsibility and accountability within the organisation, including the direct safety accountabilities of staff to the chief executive; and</p> <p>(9) a detailed description of the scope of work undertaken by the applicant; and</p> <p>(10) details of the applicant's procedures required by—</p> <ul style="list-style-type: none"> <li>(i) rule 145.51(b) regarding the assessment of competence of personnel; and</li> <li>(ii) rule 145.51(b) regarding on-going training to maintain the competence of personnel; and</li> <li>(iii) rule 145.52 regarding maintenance personnel duty time limitations; and</li> <li>(iv) rule 145.55(2) regarding the control and calibration of tools, jigs, maintenance equipment, and test equipment; and</li> <li>(v) rule 145.59(b)(1) regarding inspections of raw materials, parts, and assemblies; and</li> <li>(vi) rule 145.59(b)(2) regarding non-conforming materials and parts; and</li> <li>(vii) rule 145.59(b)(3) regarding the performance of maintenance activities; and</li> <li>(viii) rule 145.59(b)(4) regarding the subcontracting of maintenance activities; and</li> <li>(ix) rule 145.59(b)(5) regarding the identification, handling, storage, and packing of materials, parts, and assemblies; and</li> <li>(x) rule 145.59(b)(6) regarding the certification of aircraft and components for release-to-service; and</li> <li>(xi) rule 145.59(b)(7) regarding the issue of <i>CAA Form One – authorised release certificates</i>; and</li> </ul> |
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| <p>(xii) rule 145.59(b)(8) regarding the control and distribution of documentation; and</p> <p>(xiii) rule 145.60 regarding the issue of authorisations to appropriate persons; and</p> <p>(xiv) rule 145.61 regarding the collection and provision of information for the continued airworthiness of the aircraft and components that the applicant maintains; and</p> <p>(xv) rule 145.63(a) regarding the identification, collection, indexing, storage, and maintenance of records; and</p> <p>(xvi) rule 145.63(b) regarding the recording of personnel experience, qualifications and training; and</p> <p>(9) details of the facilities required by rule 145.53(b)(3) for the storage and segregation of parts; and</p> <p>(10) details of the means to provide appropriate environmental conditions required by rule 145.53(c); and</p> <p>(11) details of the <b>internal quality assurance system</b> required by rule 145.65; and</p> <p>(12) procedures to control, amend and distribute the exposition; and</p> <p>(13) procedures at least equivalent to those required by subpart D of Part 141 for conducting training under the E1 rating; and</p> <p>(14) procedures for changing the scope within a rating.</p> <p>(b) The applicant's exposition need not contain details of those locations where the applicant conducts maintenance in accordance with procedures required by rule 145.59(b)(3)(iii).</p> <p>(c) The exposition must remain acceptable to the Director.</p> | <p>(xii) rule 145.59(b)(8) regarding the control and distribution of documentation; and</p> <p>(xiii) rule 145.60 regarding the issue of authorisations to appropriate persons; and</p> <p>(xiv) rule 145.61 regarding the collection and provision of information for the continued airworthiness of the aircraft and components that the applicant maintains; and</p> <p>(xv) rule 145.63(a) regarding the identification, collection, indexing, storage, and maintenance of records; and</p> <p>(xvi) rule 145.63(b) regarding the recording of personnel experience, qualifications and training; and</p> <p>(11) details of the facilities required by rule 145.53(b)(3) for the storage and segregation of parts; and</p> <p>(12) details of the means to provide appropriate environmental conditions required by rule 145.53(c); and</p> <p>(13) procedures to control, amend and distribute the exposition; and</p> <p>(14) procedures at least equivalent to those required by Subpart D of Part 141 for conducting training under the E1 rating; and</p> <p>(15) procedures for changing the scope within a rating.</p> <p>(b) The applicant's exposition need not contain details of those locations where the applicant conducts maintenance in accordance with procedures required by rule 145.59(b)(3)(iii).</p> <p>(c) The exposition must remain acceptable to the Director.</p> |
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**Subpart C — Operating Requirements****145.105 Changes to certificate holder's organisation**

- (a) **Subject to paragraphs (d) and (f), the** holder of a maintenance organisation certificate must **amend the details in the holder's exposition required under rule 145.67** to ensure that the

**Subpart C — Operating Requirements****145.105 Changes to certificate holder's organisation**

- (a) **A** holder of a maintenance organisation certificate must—

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exposition provides a current description of the organisation.

(b) The certificate holder must—

- (1) ensure that each amendment to its exposition meets the applicable requirements of this Part and any other relevant Part; and
- (2) comply with the amendment procedures contained in its exposition.

(c) The certificate holder must provide the Director with a copy of each amendment to its exposition as soon as practicable after the amendment has been incorporated into the certificate holder's exposition.

(d) A certificate holder proposing to change any of the following, must apply to and obtain the prior acceptance of the Director:

- (1) the chief executive;
- (2) the listed senior persons;
- (3) the maintenance ratings;
- (4) the procedures for changing the scope within a rating;
- (5) the locations at which maintenance is carried out;
- (6) the procedure for authorising persons to certify maintenance.

(e) The Director may specify conditions under which a certificate holder must operate during or following any of the changes listed in paragraph (d), to ensure continued

(1) ensure that the exposition is amended so that it remains a current description of the holder's organisation; and

(2) ensure that any amendment made to the exposition—

- (i) is compliant with the Civil Aviation Rules; and
- (ii) complies with the amendment procedures contained in the exposition; and

(3) provide the Director with a copy of each amendment to the exposition—

- (i) as soon as practicable after the amendment is incorporated into the exposition; and
- (ii) in a format that may be specified by the Director from time to time; and

(4) make such amendments to the exposition as the Director considers necessary in the interests of aviation safety.

(b) If a holder of a maintenance organisation certificate changes any of the following, prior acceptance by the Director is required:

- (1) the chief executive;
- (2) the title or name of any senior person referred to in rule 145.51(a)(2);
- (3) the maintenance ratings;
- (4) the procedures for changing the scope within a rating;
- (5) the locations at which maintenance is carried out;
- (6) the procedure for authorising persons to certify maintenance;
- (7) the system for safety management, if the change is a material change.

(c) To avoid doubt, a holder of a maintenance organisation certificate must comply with paragraph (a) when making a change referred to in paragraph (b).

(d) The Director may impose conditions under which the holder of the maintenance

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compliance with the requirements of this Part.

- (f) A certificate holder must comply with any conditions specified under paragraph (e).
- (g) If any change referred to in this rule requires an amendment to the certificate, the certificate holder must forward the certificate to the Director immediately.
- (h) The certificate holder must make such amendments to its exposition as the Director may consider necessary in the interests of aviation safety.

organisation certificate must operate during or following any change.

- (e) The holder of a maintenance organisation certificate must comply with any condition imposed under paragraph (d).
- (f) If any change requires an amendment to the maintenance organisation certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.

**Subpart D – Transition Provisions****145.151 Transition for maintenance organisation certificate holders and applicants that maintain aircraft performing Part 121 or Part 125 operations or maintain their components**

- (a) This rule applies to each—
- (1) maintenance organisation certificate holder that—
    - (i) maintains any aircraft that performs operations specified in rule 121.1 or rule 125.1;
    - (ii) maintains any component of an aircraft referred to in subparagraph (1)(i);
  - (2) maintenance organisation certificate applicant that will—
    - (i) maintain any aircraft that performs operations specified in rule 121.1 or rule 125.1;
    - (ii) maintain any component of an aircraft referred to in subparagraph (2)(i).
- (b) Before [date that is 1 year after the date this rule comes into force], an organisation to which this rule applies—
- (1) is not required to comply with—
    - (i) rule 145.51(b)(3), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;

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- (ii) rule 145.65, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 145.155;
- (iii) rule 145.67(a)(2);
- (iv) rule 145.67(a)(4)(ii);
- (v) rule 145.67(a)(8); but
- (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 1 year from rule effective date] the system for safety management required under rule 145.65.
- (c) Each organisation that relies on paragraph (b) must submit the required implementation plan—
  - (1) before [date that is 6 months after the rule comes into effect], if the organisation is a maintenance organisation certificate holder; or
  - (2) together with the organisation's application for a maintenance organisation certificate, if the organisation is a maintenance organisation certificate applicant.
- (d) For the purpose of rule 145.105(b)(7), transitioning from an internal quality assurance system to the system for safety management required by rule 145.65 is deemed to be a material change to the system for safety management.
- (e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 1 year after this rule comes into force]—
  - (1) rule 145.51(b)(3);
  - (2) rule 145.65
  - (3) rule 145.67(a)(2);
  - (4) rule 145.67(a)(4)(ii);
  - (5) rule 145.67(a)(8).
- (f) This rule expires on [date that is 1 year after rule effective date].

**145.153 Transition for maintenance organisation certificate holders and**

**Current Rules****Part 145 Maintenance Organisations – Certification****Proposed Rules****applicants that maintain aircraft and components for aircraft performing operations other than Part 121 or Part 125 operations**

- (a) This rule applies to each—
- (1) maintenance organisation certificate holder that—
    - (i) maintains any aircraft that performs operations specified in rule 135.1:
    - (ii) maintains any component other than components referred to in rule 141.151(a)(1)(ii):
  - (2) maintenance organisation certificate applicant that will—
    - (i) maintain any aircraft that performs operations specified in rule 135.1:
    - (ii) maintain any component other than components referred to in rule 141.151(a)(2)(ii).
- (b) Before [date that is 3 years after the date this rule comes into force], an organisation to which this rule applies—
- (1) is not required to comply with—
    - (i) rule 145.51(b)(3), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:
    - (ii) rule 145.65, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 145.109:
    - (i) rule 145.67(a)(2):
    - (ii) rule 145.67(a)(4)(ii):
    - (iii) rule 145.67(a)(8); but
  - (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 3 years from rule effective date] the system for safety management required under rule 145.65.
- (c) Each organisation that relies on paragraph (b) must submit the required

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implementation plan—

- (1) before [date that is 9 months after the rule comes into effect], if the organisation is a maintenance organisation certificate holder; or
  - (2) together with the organisation's application for a maintenance organisation certificate, if the organisation is a maintenance organisation certificate applicant.
- (d) For the purpose of rule 145.105(b)(7), transitioning from an internal quality assurance system to the system for safety management required by rule 145.65 is deemed to be a material change to the system for safety management.
- (e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 3 years after this rule comes into force]—
- (1) rule 145.51(b)(3):
  - (2) rule 145.65:
  - (3) rule 145.67(a)(2):
  - (4) rule 145.67(a)(4)(ii):
  - (5) rule 145.67(a)(8).
- (f) This rule expires on [date that is 3 years after rule effective date].

**145.155 Transitional internal quality assurance for maintenance organisation certificate holders and applicants**

- (a) The internal quality assurance system required by rules 145.151(b)(1)(ii) and 145.153(b)(1)(ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.
- (b) The internal quality assurance system must include—
- (1) a safety policy and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its customers; and
  - (2) a procedure to ensure quality indicators, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and

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- (3) a procedure for corrective action to ensure that existing problems that have been identified within the system are corrected; and
  - (4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and
  - (5) an internal audit programme to audit the applicant's organisation for conformity with its safety policy; and
  - (6) management review procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures must ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure for corrective action must specify how—
- (1) existing problems are corrected; and
  - (2) corrective action is followed up to ensure the action is effective; and
  - (3) any procedure required for this Part is amended as a result of corrective action; and
  - (4) management will review the effectiveness of any corrective action taken.
- (e) The procedure for preventive action must specify how—
- (1) potential problems are corrected; and
  - (2) preventive action is followed up to ensure the action is effective; and
  - (3) any procedure required for this Part is amended as a result of preventive action; and
  - (4) management will review the effectiveness of any preventive action taken.
- (f) The internal quality audit programme must—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and

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- (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review must—
- (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the manager who is responsible for the review of the quality assurance system; and
  - (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting safety.
- (g) This rule expires on [date that is 3 years after rule effective date].

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**Current Rules****Part 146 Aviation Design Organisations – Certification****Proposed Rules****Subpart B — Certification Requirements****146.51 Personnel requirements**

(a) Each applicant for the grant of a design organisation certificate shall engage, employ, or contract—

- (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements prescribed by this Part; and
- (2) a senior person or group of senior persons who is or are responsible for ensuring that the applicant's organisation complies with the requirements of this Part. Such nominated person or persons shall be ultimately responsible to the Chief Executive for the following functions:
  - (i) design control;
  - (ii) inspection and testing;
  - (iii) internal quality assurance; and
- (3) if design approval functions are required by the organisation, a senior person who holds a delegation to approve design changes in accordance with 21.73; and
- (4) sufficient personnel to plan, perform, supervise, inspect, and certify the design

**Subpart B — Certification Requirements****146.51 Personnel requirements**

(a) An applicant for the grant of a design organisation certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who—
  - (i) has the authority within the organisation to ensure that every activity undertaken by the organisation under the authority of the certificate can be financed and carried out in accordance with this Part; and
  - (ii) is responsible for ensuring that the organisation complies with this Part; and
- (2) a senior person or persons accountable to the chief executive who are responsible for—
  - (i) ensuring that the organisation complies with the exposition; and
  - (ii) the functions referred to in paragraph (b); and
- (3) sufficient personnel to plan, perform, supervise, inspect, and certify the design activities listed in the exposition.
- (b) The senior persons referred to in paragraph (a)(2) must, unless otherwise acceptable to the Director, each be responsible for no more than one of the following functions:
  - (1) design control;
  - (2) inspection and testing;
  - (3) the system for safety management; and
- (c) If design approval functions are required by the organisation, a senior person who holds a delegation to approve design changes in accordance with 21.73; and
- (d) The senior person required by paragraph (b)(3) must be able to demonstrate knowledge and experience relevant to the management of safety systems and the activities of the certificate holder.

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activities listed in the applicant's exposition.

- (b) The applicant shall—
- (1) establish a procedure to initially assess, and a procedure for maintaining, the competence of those personnel involved in planning, performing, supervising, inspecting, or certifying the design activities performed by the applicant's organisation; and
  - (2) provide those personnel with written evidence of the scope of their authorisation.

**146.65 Internal quality assurance**

(a) Each applicant for the grant of a design organisation certificate shall establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.

- (b) The internal quality assurance system shall include—
- (1) a safety policy and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its customers; and
  - (2) a procedure to ensure quality indicators, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and
  - (3) a procedure for corrective action to ensure that existing problems that have been identified within the system are corrected; and
  - (4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and
  - (5) an internal audit programme to audit the applicant's organisation for conformity with its safety policy; and
  - (6) management review procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures shall ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.

- (e) The applicant must—

- (1) establish procedures for initially assessing, and for maintaining, the competence of those personnel involved in planning, performing, supervising, inspecting, or certifying the design activities performed by the organisation; and
- (2) provide those personnel with written evidence of the scope of their authorisation.

**146.65 Safety management**

An applicant must establish, implement and maintain a system for safety management in accordance with rule 100.3.

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- (d) The procedure for corrective action shall specify how—
- (1) existing problems are to be corrected; and
  - (2) corrective action are to be followed up to ensure the action is effective; and
  - (3) any procedure required for this Part is to be amended as a result of corrective action; and
  - (4) management will review the effectiveness of any corrective action taken.
- (e) The procedure for preventive action shall specify how—
- (1) potential problems are to be corrected; and
  - (2) preventive action is to be followed up to ensure the action is effective; and
  - (3) any procedure required for this Part is to be amended as a result of preventive action; and
  - (4) management will review the effectiveness of any preventive action taken.
- (f) The internal quality audit programme shall—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review shall—
- (1) specify the frequency of management reviews of the quality assurance system

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taking into account the need for the continuing effectiveness of the system; and

- (2) identify the responsible manager who shall review the quality assurance system; and
- (3) ensure the results of the review are evaluated and recorded.

(h) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive on matters affecting safety.

**146.67 Design organisation exposition**

(a) An applicant for the grant of a design organisation certificate shall provide the Director with an exposition which shall contain:

- (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 design 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 146.51(a)(1), (2), and (3); and
- (3) the duties and responsibilities of the person or persons specified in paragraph (a)(2), including matters for which they have the responsibility to deal directly with the Director on behalf of the design organisation; and

**146.67 Design organisation exposition**

(a) An applicant for the grant of a design organisation certificate must provide the Director with an exposition, in a format that may be specified by the Director from time to time, that contains—

- (1) a statement signed by the chief executive on behalf of the organisation confirming that the exposition and any included manuals—
  - (i) define the design organisation and demonstrate its means and methods for ensuring ongoing compliance with the Civil Aviation Rules; and
  - (ii) will be complied with at all times; and
- (2) in relation to the system for safety management required by rule 146.65,—
  - (i) all of the documentation required by rule 100.3(b); and
  - (ii) for an applicant that is not applying for a renewal of a design organisation certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (3) the titles and names of the senior persons referred to in rules 146.51(a)(1), (a)(2), and (c); and
- (4) the duties and responsibilities of the senior persons referred to in rules 146.51(a)(1) and (2), including—
  - (i) matters for which the person has the responsibility to deal directly with the Director or the Authority on behalf of the organisation; and

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| <p>(4) an organisation chart showing lines of responsibility of the senior persons specified in paragraph (a)(2); and</p> <p>(5) details of all locations where the applicant conducts design activities and testing, and the facilities at those locations; and</p> <p>(6) details of the applicant's provision of satisfactory environmental conditions at each of the locations listed under paragraph (a)(5); and</p> <p>(7) details of the applicant's staffing structure at each of the locations listed under paragraph (a)(5); and</p> <p>(8) a detailed description of the scope of work to be undertaken by the applicant; and</p> <p>(9) a detailed description of the applicant's design control system; and</p> <p>(10) details of any authorisations made by the organisation to other persons for design work and testing; and</p> <p>(11) details of the organisation's procedures required by—</p> <p style="padding-left: 20px;">(i) 146.51(b) regarding the competence of personnel; and</p> <p style="padding-left: 20px;">(ii) 146.51(b) regarding the on-going training of personnel; and</p> <p style="padding-left: 20px;">(iii) 146.55(2) regarding the control and calibration of tools and test equipment; and</p> <p style="padding-left: 20px;">(iv) 146.55(2) regarding the confirmation of design data; and</p> <p style="padding-left: 20px;">(v) 146.59(b) regarding the operation of the design control system; and</p> <p style="padding-left: 20px;">(vi) 146.61(a) regarding the collecting, investigating, analysing, and distributing of information relating to defects and occurrences; and</p> <p style="padding-left: 20px;">(vii) 146.61(b) regarding the Instructions for Continued Airworthiness of any</p> | <p>(ii) responsibilities for safety management; and</p> <p>(5) an organisation chart showing lines of responsibility of the senior persons referred to in rules 146.51(a)(1) and (2); and</p> <p>(6) a summary of the lines of safety responsibility and accountability within the organisation, including the direct safety accountabilities of staff to the chief executive; and</p> <p>(7) details of all locations where the applicant conducts design activities and testing, and the facilities at those locations; and</p> <p>(8) details of the applicant's provision of satisfactory environmental conditions at each of the locations listed under paragraph (a)(7); and</p> <p>(9) details of the applicant's staffing structure at each of the locations listed under paragraph (a)(7); and</p> <p>(10) a detailed description of the scope of work to be undertaken by the applicant; and</p> <p>(11) a detailed description of the applicant's design control system; and</p> <p>(12) details of any authorisations made by the organisation to other persons for design work and testing; and</p> <p>(13) details of the organisation's procedures required by—</p> <p style="padding-left: 20px;">(i) rule 146.51(b) regarding the competence of personnel; and</p> <p style="padding-left: 20px;">(ii) rule 146.51(b) regarding the on-going training of personnel; and</p> <p style="padding-left: 20px;">(iii) rule 146.55(2) regarding the control and calibration of tools and test equipment; and</p> <p style="padding-left: 20px;">(iv) rule 146.55(2) regarding the confirmation of design data; and</p> <p style="padding-left: 20px;">(v) rule 146.59(b) regarding the operation of the design control system; and</p> <p style="padding-left: 20px;">(vi) rule 146.61(a) regarding the collecting, investigating, analysing, and distributing of information relating to defects and occurrences; and</p> <p style="padding-left: 20px;">(vii) rule 146.61(b) regarding the instructions for continued airworthiness of any</p> |
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type certificated product they design; and

- (viii) 146.63(a) regarding the identification, collection, indexing, storage, maintenance and disposal of records; and
- (ix) 146.63(b) regarding the content and retention of records; and
- (x) 146.65 regarding the internal quality assurance of the applicant's organisation; and

(12) procedures to control, amend, and distribute the exposition.

(b) The exposition must be acceptable to the Director.

**Subpart C — Operating Requirements****146.105 Changes to certificate holder's organisation**

- (a) A holder of a design organisation certificate must ensure that the exposition for the holder's organisation is amended to reflect a current description of the organisation.
- (b) The certificate holder must —
  - (1) ensure that any amendment to the exposition for the holder's organisation meets the applicable requirements of this Part; and
  - (2) comply with the amendment procedures contained in the exposition.
- (c) Subject to paragraph (d), the certificate holder must provide the Director with a copy of each amendment to the exposition for the holder's organisation as soon as practicable after the amendment has been incorporated into the exposition.
- (d) Prior notification to, and acceptance by, the Director is required if the certificate holder proposes to make a change to any of the following:

type certificated product they design; and

- (viii) rule 146.63(a) regarding the identification, collection, indexing, storage, maintenance and disposal of records; and
- (ix) rule 146.63(b) regarding the content and retention of records; and

(14) procedures to control, amend, and distribute the exposition.

(b) The exposition must remain acceptable to the Director.

**Subpart C — Operating Requirements****146.105 Changes to certificate holder's organisation**

- (a) A holder of a design organisation certificate must—
  - (1) ensure that the exposition is amended so that it remains a current description of the organisation; and
  - (2) ensure that any amendment to the exposition—
    - (i) is compliant with the Civil Aviation Rules; and
    - (ii) complies with the amendment procedures contained in the exposition; and
  - (3) provide the Director with a copy of each amendment to the exposition—
    - (i) as soon as practicable after the amendment is incorporated into the exposition; and
    - (ii) in a format that may be specified by the Director from time to time; and
  - (4) make such amendments to the exposition as the Director considers necessary in the interests of aviation safety.
- (b) Before a holder of a design organisation certificate changes any of the following, prior acceptance by the Director is required:

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- (1) the chief executive:
  - (2) the **listed** senior persons:
  - (3) the scope of the design activities the certificate holder undertakes:
  - (4) the location at which work is carried out.
- (e) The Director may **specify in writing** conditions under which the **certificate holder may** operate during or following any **of the changes specified in paragraph (d) to ensure continued compliance with the requirements of this Part**.
- (f) The **certificate holder** must comply with **the conditions specified by the Director** under paragraph (e).
- (g) If any change **referred to in this rule** requires an amendment to the **design organisation** certificate, the certificate holder must forward the certificate to the Director **immediately, for amendment**.
- (h) **The certificate holder must amend** the exposition **for the holder's organisation** as the Director **may consider** necessary in the interests of aviation safety.

**146.107 Safety inspections and audit**

- (a) **The Director may require, in writing, the holder of a design organisation certificate to undergo or carry out such inspections and audits of the holder's design offices, facilities, documents, and records as the Director considers necessary in the interests of aviation safety and security in accordance with section 15 of the Act**
- (b) **The Director may require from the holder of a design organisation certificate such information as the Director considers relevant to the inspection or audit.**

- (1) the chief executive:
  - (2) the **title or name of any** senior person **referred to in rule 146.51(a)(2)**:
  - (3) the scope of the design activities the certificate holder undertakes:
  - (4) the location at which work is carried out:
  - (5) **the system for safety management, if the change is a material change.**
- (c) **To avoid doubt, a holder of a design organisation certificate must comply with paragraph (a) when making a change referred to in paragraph (b).**
- (d) The Director may **impose** conditions under which the holder of the design organisation certificate **must** operate during or following any **change**.
- (e) The **holder of a design organisation certificate** must comply with **any condition imposed** under paragraph (d).
- (f) If any change requires an amendment to the design organisation certificate, the certificate holder must forward the certificate to the Director **for endorsement of the change as soon as practicable.**

**146.107 Revoked****Subpart D – Transition Provisions****146.151 Transition for design organisation certificate holders and applicants**

- (a) **This rule applies to each—**
- (1) **design organisation certificate holder:**
  - (2) **design organisation certificate applicant.**

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- (b) Before [date that is 3 years after the date this rule comes into force], an organisation to which this rule applies—
- (1) is not required to comply with—
    - (i) rule 146.51(b)(iii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;
    - (ii) rule 146.65, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 146.153;
    - (iii) rule 146.67(a)(2);
    - (iv) rule 146.67(a)(4)(ii);
    - (v) rule 146.67(a)(6); but
  - (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 3 years from rule effective date] the system for safety management required under rule 146.65.
- (c) Each organisation that relies on paragraph (b) must submit the required implementation plan—
- (1) before [date that is 9 months after the rule comes into effect], if the organisation is a maintenance organisation certificate holder; or
  - (2) together with the organisation's application for a maintenance organisation certificate, if the organisation is maintenance organisation certificate applicant.
- (d) For the purpose of rule 146.105(b)(5), transitioning from the internal quality assurance system to the system for safety management required by rule 146.65 is deemed to be a material change to the system for safety management.
- (e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 3 years after this rule comes into force]—
- (1) rule 146.51(b)(iii);
  - (2) rule 146.65;

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- (3) rule 146.67(a)(2):
- (4) rule 146.67(a)(4)(ii):
- (5) rule 146.67(a)(6).
- (f) This rule expires on [date that is 3 years after rule effective date].

**146.153 Transitional internal quality assurance for design organisation certificate holders and applicants**

- (a) The internal quality assurance system required by rule 146.151(b)(1)(ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.
- (b) The internal quality assurance system must include—
  - (1) a safety policy and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its customers; and
  - (2) a procedure to ensure quality indicators, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and
  - (3) a procedure for corrective action to ensure that existing problems that have been identified within the system are corrected; and
  - (4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and
  - (5) an internal audit programme to audit the applicant's organisation for conformity with its safety policy; and
  - (6) management review procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures must ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure for corrective action must specify how—

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- (1) existing problems are to be corrected; and
  - (2) corrective action are to be followed up to ensure the action is effective; and
  - (3) any procedure required for this Part is to be amended as a result of corrective action; and
  - (4) management will review the effectiveness of any corrective action taken.
- (e) The procedure for preventive action must specify how—
- (1) potential problems are to be corrected; and
  - (2) preventive action is to be followed up to ensure the action is effective; and
  - (3) any procedure required for this Part is to be amended as a result of preventive action; and
  - (4) management will review the effectiveness of any preventive action taken.
- (f) The internal quality audit programme must—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review must—
- (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the manager who is responsible for the review of the quality assurance

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system; and

(3) ensure the results of the review are evaluated and recorded.

(h) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting safety.

(i) This rule expires on [date that is 3 years after rule effective date].

### Appendix A — Delegation for the approval of design changes

This appendix prescribes the qualifications and experience required for, and the privileges and limitations associated with, the grant of a delegation, in accordance with section 23B of the Civil Aviation Act 1990, for the approval of design changes.

#### A.1 Privileges and limitations

- (a) A holder of a delegation for the approval of design changes may be authorised by an aircraft design organisation to act as the senior person prescribed in 146.51(a)(3).
- (b) An aircraft design organisation may only authorise a holder of a delegation for the approval of design changes to exercise that delegation if the holder is a senior person nominated under 146.51(a)(3).
- (c) A delegation for the approval of design changes shall cease when the holder ceases to be employed by an aircraft design organisation certificated under this Part.
- (d) For the purposes of defining the scope of the design changes that may be approved by the holder of a delegation, design changes are classed as follows:
  - (1) Class A are those design changes that require comprehensive engineering justification, assessment, and substantiation:
  - (2) Class B are those design changes that do not require comprehensive engineering justification, assessment, and substantiation.
- (e) The Director may prescribe limitations and restrictions on the scope of design approvals issued by the holder of a delegation for the approval of design changes.
- (f) The senior person required by 146.51(a)(3) shall only approve a supplement to a flight manual that—

### Appendix A — Delegation for the approval of design changes

This appendix prescribes the qualifications and experience required for, and the privileges and limitations associated with, the grant of a delegation, in accordance with section 23B of the Civil Aviation Act 1990, for the approval of design changes.

#### A.1 Privileges and limitations

- (a) A holder of a delegation for the approval of design changes may be authorised by an aircraft design organisation to act as the senior person prescribed in rule 146.51(c).
- (b) An aircraft design organisation may only authorise a holder of a delegation for the approval of design changes to exercise that delegation if the holder is a senior person nominated under rule 146.51(c).
- (c) A delegation for the approval of design changes must cease when the holder ceases to be employed by an aircraft design organisation certificated under this Part.
- (d) For the purposes of defining the scope of the design changes that may be approved by the holder of a delegation, design changes are classed as follows:
  - (1) Class A are those design changes that require comprehensive engineering justification, assessment, and substantiation:
  - (2) Class B are those design changes that do not require comprehensive engineering justification, assessment, and substantiation.
- (e) The Director may prescribe limitations and restrictions on the scope of design approvals issued by the holder of a delegation for the approval of design changes.
- (f) The senior person referred to in rule 146.51(c) must only approve a supplement to a flight manual that—

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- (1) has resulted directly from, and forms part of, a design change; and
- (2) is in a format **acceptable to** the Director.

[98/DET/13]

- (1) has resulted directly from, and forms part of, a design change; and
- (2) is in a format that **may be specified by** the Director **from time to time**.

[98/DET/13]

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(a) Each applicant for the grant of a manufacturing organisation certificate shall engage, employ, or contract—

- (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements prescribed by this Part; and
- (2) a senior person or group of senior persons who is or are responsible for ensuring that the applicant's organisation complies with the requirements of this Part. Such nominated person or persons shall be ultimately responsible to the Chief Executive for the following functions:

- (i) supply;
- (ii) production;
- (iii) inspection and test;
- (iv) internal quality assurance; and

- (3) sufficient personnel to plan, perform, supervise, inspect, and certify the

**Subpart B — Certification Requirements****148.51 Personnel requirements**

(a) An applicant for the grant of a manufacturing organisation certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who—
  - (i) has the authority within the organisation to ensure that every activity undertaken by the organisation under the authority of the certificate can be financed and carried out in accordance with this Part; and
  - (ii) is responsible for ensuring that the organisation complies with this Part; and
- (2) a senior person or persons accountable to the chief executive who are responsible for—
  - (i) ensuring that the organisation complies with its exposition; and
  - (ii) the functions referred to in paragraph (b)(1); and
- (3) sufficient personnel to plan, perform, supervise, inspect, and certify the manufacturing activities listed in the exposition.

(b) The senior persons referred to in paragraph (a)(2) must, unless otherwise acceptable to the Director, each be responsible for no more than one of the following functions:

- (1) supply;
- (2) production;
- (3) inspection and test;
- (4) the system for safety management.

(c) The senior person required by paragraph (b)(4) must be able to demonstrate knowledge and experience relevant to the management of system for safety management and the activities of the certificate holder.

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manufacturing activities listed in the applicant's exposition.

- (b) The applicant shall—
- (1) establish a procedure to initially assess, and a procedure for maintaining, the competence of those personnel involved in planning, performing, supervising, inspecting, or certifying the manufacturing activities listed in the applicant's exposition; and
  - (2) provide those personnel with written evidence of the scope of their authorisation.

**148.65 Internal quality assurance**

(a) Each applicant for the grant of a manufacturing organisation certificate shall establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.

- (b) The internal quality assurance system shall include—
- (1) a safety policy and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its customers; and
  - (2) a procedure to ensure quality indicators, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and
  - (3) a procedure for corrective action to ensure that existing problems that have been identified within the system are corrected; and
  - (4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and
  - (5) an internal audit programme to audit the applicant's organisation for conformity with its safety policy; and
  - (6) management review procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures shall ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.

(d) The applicant must—

- (1) establish procedures for initially assessing, and for maintaining, the competence of those personnel involved in planning, performing, supervising, inspecting, or certifying the manufacturing activities performed by the organisation; and
- (2) provide those personnel with written evidence of the scope of their authorisation.

**148.65 Safety management**

An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

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- (d) The procedure for corrective action shall specify how—
- (1) existing problems are corrected; and
  - (2) corrective action is followed up to ensure the action is effective; and
  - (3) any procedure required for this Part is amended as a result of corrective action; and
  - (4) management will review the effectiveness of any corrective action taken.
- (e) The procedure for preventive action shall specify how—
- (1) potential problems are corrected; and
  - (2) preventive action is followed up to ensure the action is effective; and
  - (3) any procedure required for this Part is amended as a result of preventive action; and
  - (4) management will review the effectiveness of any preventive action taken.
- (f) The internal quality audit programme shall—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review shall—
- (1) specify the frequency of management reviews of the quality assurance system

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taking into account the need for the continuing effectiveness of the system; and

- (2) identify the responsible manager who shall review the quality assurance system; and
- (3) ensure the results of the review are evaluated and recorded.

(h) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive on matters affecting safety.

**148.67 Manufacturing organisation exposition**

(a) An applicant for the grant of a manufacturing organisation certificate must provide the Director with an exposition that contains—

- (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 manufacturing organisation and demonstrate the organisation's means and methods for ensuring ongoing compliance with this Part; and
  - (ii) are required to be complied with by the organisation's personnel; and
- (2) the titles and names of the senior person or persons required by rule 148.51(a)(1) and (2); and
- (3) the duties and responsibilities of the senior person or persons required to be named under paragraph (a)(2), including matters for which they have the responsibility to deal directly with the Director on behalf of the applicant's organisation; and

**148.67 Manufacturing organisation exposition**

(a) An applicant for the grant of a manufacturing organisation certificate must provide the Director with an exposition, in a format that may be specified by the Director from time to time, that contains—

- (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 the Civil Aviation Rules; and
  - (ii) are required to be complied with by the organisation's personnel; and
- (2) in relation to the system for safety management required by rule 148.65,—
  - (i) all of the documentation required by rule 100.3(b); and
  - (ii) for an applicant that is not applying for a renewal of a manufacturing organisation certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (3) the titles and names of the senior persons referred to in rules 148.51(a)(1) and (2); and
- (4) the duties and responsibilities of the senior persons referred to in rules 148.51(a)(1) and (2), including—
  - (i) matters for which they have a responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
  - (ii) responsibilities for safety management; and

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| <p>(4) an organisation chart showing lines of responsibility of the senior persons <b>required to be named under paragraph (a)(2)</b>; and</p> <p>(5) details of every location where the applicant's organisation carries out manufacturing activities and the facilities at those locations; and</p> <p>(6) details of the applicant's organisation staffing structure at each of the locations required to be detailed under paragraph <b>(a)(5)</b>; and</p> <p>(7) a detailed description of the scope of work undertaken by the applicant's organisation; and</p> <p>(8) details of the applicant's facilities required by—</p> <p style="margin-left: 20px;">(i) rule 148.53(b)(3) regarding the provision of satisfactory storage and segregation of parts; and</p> <p style="margin-left: 20px;">(ii) rule 148.53(b)(4) regarding the provision of appropriate environmental conditions; and</p> <p>(9) a list of every priority part manufactured or supplied by external subcontractors or suppliers; and</p> <p>(10) evidence that the applicant's organisation holds or has applied for a type certificate or supplemental type certificate or has entered into an arrangement, as required by rule 148.57; and</p> <p>(11) details of any authorisations made by the applicant's organisation to subsidiary manufacturers; and</p> <p>(12) details of the applicant's procedures required by—</p> <p style="margin-left: 20px;">(i) rule 148.51(b) regarding the competence assessment of personnel; and</p> <p style="margin-left: 20px;">(ii) rule 148.51(b) regarding the maintenance of personnel competence; and</p> <p style="margin-left: 20px;">(iii) rule 148.55(2) regarding the control and calibration of tools, jigs, process equipment, and test equipment; and</p> | <p>(5) an organisation chart showing lines of responsibility of the senior persons <b>referred to in rules 148.51(a)(1) and (2)</b>; and</p> <p>(6) <b>a summary of the lines of safety responsibility and accountability within the organisation, including the direct safety accountabilities to the chief executive;</b> and</p> <p>(7) details of every location where the applicant's organisation carries out manufacturing activities and the facilities at those locations; and</p> <p>(8) details of the applicant's organisation staffing structure at each of the locations required to be detailed under paragraph <b>(a)(7)</b>; and</p> <p>(9) a detailed description of the scope of work undertaken by the applicant's organisation; and</p> <p>(10) details of the applicant's facilities required by—</p> <p style="margin-left: 20px;">(i) rule 148.53(b)(3) regarding the provision of satisfactory storage and segregation of parts; and</p> <p style="margin-left: 20px;">(ii) rule 148.53(b)(4) regarding the provision of appropriate environmental conditions; and</p> <p>(11) a list of every priority part manufactured or supplied by external subcontractors or suppliers; and</p> <p>(12) evidence that the applicant's organisation holds or has applied for a type certificate or supplemental type certificate or has entered into an arrangement, as required by rule 148.57; and</p> <p>(13) details of any authorisations made by the applicant's organisation to subsidiary manufacturers; and</p> <p>(14) details of the applicant's procedures required by—</p> <p style="margin-left: 20px;">(i) rule 148.51(b) regarding the competence assessment of personnel; and</p> <p style="margin-left: 20px;">(ii) rule 148.51(b) regarding the maintenance of personnel competence; and</p> <p style="margin-left: 20px;">(iii) rule 148.55(2) regarding the control and calibration of tools, jigs, process equipment, and test equipment; and</p> |
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- (iv) rule 148.59(b)(1) regarding an inspection of a raw material, parts, and assemblies; and
- (v) rule 148.59(b)(2) regarding inspection of an individual part and complete assembly during manufacture; and
- (vi) rule 148.59(b)(3) regarding the subcontracting of manufacturing activities; and
- (vii) rule 148.59(b)(4) regarding a non-conforming material and part; and
- (viii) rule 148.59(b)(5) regarding a final test including, if applicable, the procedures required for the application of a special flight permit with a continuing authorisation granted under rule 21.197; and
- (ix) rule 148.59(b)(6) regarding the identification, handling, storage, and packing of an item that it manufactures; and
- (x) rule 148.59(b)(7) and (8) regarding the issue of *CAA Form One* and a statement of compliance; and
- (xi) rule 148.59(b)(9) regarding control and distribution of documentation; and
- (xii) rule 148.61(b) regarding the continued airworthiness of the items that it manufactures; and
- (xiii) rule 148.63 regarding the identification, collection, indexing, storage, maintenance, and disposal of a record; and
- (xiv) rule 148.65 regarding the internal quality assurance of the applicant's organisation; and

(13) procedures to control, amend, and distribute the exposition.

(b) The exposition must remain acceptable to the Director.

**Subpart C — Operating Requirements****148.105 Changes to certificate holder's organisation**

(a) A holder of a manufacturing organisation certificate must ensure that the exposition for the holder's organisation is amended to reflect a current description of the organisation.

- (iv) rule 148.59(b)(1) regarding an inspection of a raw material, parts, and assemblies; and
- (v) rule 148.59(b)(2) regarding inspection of an individual part and complete assembly during manufacture; and
- (vi) rule 148.59(b)(3) regarding the subcontracting of manufacturing activities; and
- (vii) rule 148.59(b)(4) regarding a non-conforming material and part; and
- (viii) rule 148.59(b)(5) regarding a final test including, if applicable, the procedures required for the application of a special flight permit with a continuing authorisation granted under rule 21.197; and
- (ix) rule 148.59(b)(6) regarding the identification, handling, storage, and packing of an item that it manufactures; and
- (x) rule 148.59(b)(7) and (8) regarding the issue of *CAA Form One* and a statement of compliance; and
- (xi) rule 148.59(b)(9) regarding control and distribution of documentation; and
- (xii) rule 148.61(b) regarding the continued airworthiness of the items that it manufactures; and
- (xiii) rule 148.63 regarding the identification, collection, indexing, storage, maintenance, and disposal of a record; and

(15) procedures to control, amend, and distribute the exposition.

(b) The exposition must remain acceptable to the Director.

**Subpart C — Operating Requirements****148.105 Changes to certificate holder's organisation**

(a) A holder of a manufacturing organisation certificate must—

- (1) ensure that the exposition is amended so that it remains a current description of the

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(b) The certificate holder must —

- (1) ensure that any amendment to the exposition **for the holder's organisation meets the applicable requirements of this Part**; and
- (2) **comply** with the amendment procedures contained in the exposition.

(c) **Subject to paragraph (d), the certificate holder must** provide the Director with a copy of each amendment to the exposition **for the holder's organisation** as soon as practicable after the amendment **is** incorporated into the exposition.

(d) **Prior application to, and acceptance by, the Director is required if the certificate holder proposes to make a change to any of the following:**

- (1) the chief executive;
- (2) the **listed** senior persons;
- (3) the manufacturing ratings;
- (4) the supply arrangements for priority parts;
- (5) the procedures for changing the scope within a rating;
- (6) the final testing activities for which the holder utilises a special flight permit with a continuing authorisation;
- (7) the locations at which the manufacturing activities are carried out.

(e) The Director may **specify** conditions under which a **certificate holder may** operate during or following any **of the changes specified in paragraph (d), to ensure continued**

holder's organisation; and

- (2) ensure that any amendment made to the exposition—
  - (i) **is compliant with the Civil Aviation Rules**; and
  - (ii) **complies** with the amendment procedures contained in the exposition; and
- (3) provide the Director with a copy of each amendment to the exposition—
  - (i) as soon as practicable after the amendment **is** incorporated into the exposition; and
  - (ii) **in a format that may be specified by the Director from time to time**; and
- (4) make such amendments to the exposition as the Director **considers** necessary in the interests of aviation safety.

(b) **Before a holder of a manufacturing organisation certificate changes any of the following, prior acceptance by the Director is required:**

- (1) the chief executive;
- (2) the **title or name of any** senior person referred to in rule 148.51(a)(2);
- (3) the manufacturing ratings;
- (4) the supply arrangements for priority parts;
- (5) the procedures for changing the scope within a rating;
- (6) the final testing activities for which the holder utilises a special flight permit with a continuing authorisation;
- (7) the locations at which the manufacturing activities are carried out;
- (8) **the system for safety management, if the change is a material change.**

(c) **To avoid doubt, a holder of a manufacturing organisation certificate must comply with paragraph (a) when making a change referred to in paragraph (b).**

(d) The Director may **impose** conditions under which the **holder of the manufacturing**

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compliance with the requirements of this Part.

(f) A certificate holder must comply with the conditions specified by the Director under paragraph (e).

(g) If any change referred to in this rule requires an amendment to the manufacturing organisation certificate, the certificate holder must forward the certificate to the Director immediately for endorsement.

(h) The certificate holder must make such amendments to the exposition for the holder's organisation as the Director may consider necessary in the interests of aviation safety.

organisation certificate must operate during or following any change.

(e) The holder of a manufacturing organisation certificate must comply with any condition imposed under paragraph (d).

(f) If any change requires an amendment to the manufacturing organisation certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.

**Subpart D Transitional Provisions****148.151 Transition for manufacturing organisation certificate holders and applicants**

(a) This rule applies to each—

- (1) manufacturing organisation certificate holder;
- (2) manufacturing organisation certificate applicant.

(b) Before [date that is 3 years after the date this rule comes into force], an organisation to which this rule applies—

- (1) is not required to comply with—
  - (i) rule 148.51(b)(4), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;
  - (ii) rule 148.65, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 148.153;
  - (iii) rule 148.67(a)(2);
  - (iv) rule 148.67(a)(4)(ii);
  - (v) rule 148.67(a)(6); but
- (2) must submit to the Director an implementation plan that describes how the

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organisation plans to implement by [date 3 years from rule effective date] the system for safety management required under rule 148.65.

(c) Each organisation that relies on paragraph (b) must submit the required implementation plan—

- (1) before [date that is 9 months after the rule comes into effect], if the organisation is a manufacturing organisation certificate holder; or
- (2) together with the organisation's application for a manufacturing certificate, if the organisation is a manufacturing organisation certificate applicant.

(d) For the purpose of rule 148.105(b)(8), transitioning from an internal quality assurance system to the system for safety management required by rule 148.65 is deemed to be a material change to the system for safety management.

(e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 3 years after this rule comes into force]—

- (1) rule 148.51(b)(4):
- (2) rule 148.65:
- (3) rule 148.67 (a)(2):
- (4) rule 148.67 (a)(4)(ii):
- (5) rule 148.67(a)(6).

(f) This rule expires on [date that is 3 years after rule effective date].

**148.153 Transitional internal quality assurance for manufacturing organisation certificate holders and applicants**

(a) The internal quality assurance system required by rule 148.151(b)(1)(ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.

(b) The internal quality assurance system must include—

- (1) a safety policy and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its customers; and

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- (2) a procedure to ensure quality indicators, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and
  - (3) a procedure for corrective action to ensure that existing problems that have been identified within the system are corrected; and
  - (4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and
  - (5) an internal audit programme to audit the applicant's organisation for conformity with its safety policy; and
  - (6) management review procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures must ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure for corrective action must specify how—
- (1) existing problems are corrected; and
  - (2) corrective action is followed up to ensure the action is effective; and
  - (3) any procedure required for this Part is amended as a result of corrective action; and
  - (4) management will review the effectiveness of any corrective action taken.
- (e) The procedure for preventive action must specify how—
- (1) potential problems are corrected; and
  - (2) preventive action is followed up to ensure the action is effective; and
  - (3) any procedure required for this Part is amended as a result of preventive action; and
  - (4) management will review the effectiveness of any preventive action taken.

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- (f) The internal quality audit programme must—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review must—
- (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the manager who is responsible for the review of the quality assurance system; and
  - (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting safety.
- (i) This rule expires on [date that is 3 years after rule effective date].

**Appendix A — Transitional Arrangements**

A holder of a Manufacturing Organisation Certificate that is in force on 1 March 2007 does not need to comply with rule 148.67(8) and (9) until 1 March 2008.

**Appendix A — Revoked**

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**Current Rules****Part 149 Aviation Recreation Organisations – Certification****Proposed Rules****Subpart B — Certification Requirements****149.51 Personnel requirements**

(a) Each applicant for the grant of an aviation recreation organisation certificate shall engage, employ, or contract—

- (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be carried out in accordance with the requirements prescribed by this Part;
- (2) a senior person or persons who will hold any delegation from the Director for the issue of personnel certificates and ratings;
- (3) a senior person or group of senior persons who are responsible for ensuring that the applicant's organisation complies with the requirements of this Part. Such nominated person or persons shall be ultimately responsible to the Chief Executive;
- (4) sufficient personnel to carry out the activities listed in the applicant's exposition.

(b) The applicant shall—

- (1) establish procedures to assess, and to maintain, the competence of those personnel who are responsible for carrying out the activities listed in the applicant's exposition; and
- (2) establish procedures for the exercise of any delegation held by a senior person or persons; and

**Subpart B — Certification Requirements****149.51 Personnel requirements**

(a) An applicant for the grant of an aviation recreation organisation certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who—
  - (i) has the authority within the organisation to ensure that every activity undertaken by the organisation under the authority of the certificate can be financed and carried out in accordance with this Part; and
  - (ii) is responsible for ensuring that the organisation complies with this Part; and
- (2) a senior person or persons accountable to the chief executive who—
  - (i) will hold any delegation from the Director for the issue of personnel certificates and ratings; and
  - (ii) is responsible for ensuring that the organisation complies with the exposition; and
  - (iii) is responsible for the system of safety management; and
- (3) sufficient personnel to carry out the activities listed in the applicant's exposition.

(b) The senior person required by paragraph (a)(2)(iii) must be able to demonstrate knowledge and experience relevant to the management of safety systems and the activities of the certificate holder.

(c) The applicant must—

- (1) establish procedures for initially assessing, and for maintaining, the competence of personnel who are responsible for carrying out the activities listed in the exposition; and
- (2) establish procedures for the exercise of any delegation held by a senior person or persons; and

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- (3) provide personnel with responsibilities under this Rule with written authorisation to fulfil those responsibilities.

**149.63 Internal quality assurance**

(a) Each applicant for the grant of an aviation recreation organisation certificate shall establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.

(b) The internal quality assurance system shall include—

- (1) a **safety policy** and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its members; and
- (2) a procedure to ensure **quality indicators**, including personnel and member feedback, are monitored to identify existing problems, or potential causes of problems, within the system; and
- (3) a procedure for **corrective action**, to ensure existing problems that have been identified within the system are corrected; and
- (4) a procedure for **preventive action**, to ensure that potential causes of problems that have been identified within the system are remedied; and
- (5) an **internal audit** programme to audit the applicant's organisation for conformity with its safety policy; and
- (6) **management review** procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.

(c) The safety policy procedures shall ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.

(d) The procedures for corrective action shall specify how—

- (1) existing problems are corrected; and
- (2) corrective action is followed up to ensure the action is effective; and
- (3) procedures are amended as a result of corrective action; and

- (3) provide personnel with responsibilities under this rule with written authorisation to fulfil those responsibilities.

**149.63 Safety management**

An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

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- (4) management will review the effectiveness of any corrective action taken.
- (e) The procedure for preventive action shall specify how—
  - (1) potential problems are corrected; and
  - (2) preventive action is followed up to ensure the action is effective; and
  - (3) procedures are amended as a result of preventive action; and
  - (4) management will review the effectiveness of any preventive action taken.
- (f) The internal audit programme shall—
  - (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (5) ensure there are follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review shall—
  - (1) specify the frequency of management reviews of the quality assurance system, taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the responsible manager who shall review the quality assurance system; and
  - (3) ensure that the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive on matters affecting safety.

**149.65 Organisation exposition****149.65 Aviation recreation organisation exposition**

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(a) An applicant for the grant of an aviation recreation organisation certificate shall provide the Director with an exposition which shall 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) will be enforced at all times; and
- (2) the titles and names of the senior person or persons required by 149.51(a)(1), (2), and (3); and
- (3) the duties and responsibilities of the senior person or persons specified in 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 persons specified in 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

(a) An applicant for the grant of an aviation recreation organisation certificate must provide the Director with an exposition, in a format that may be specified by the Director from time to time, which contains—

- (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 the Civil Aviation Rules; and
  - (ii) will be enforce at all times; and
- (2) in relation to the system for safety management required by rule 149.63,—
  - (i) all of the documentation required by rule 100.3(b); and
  - (ii) for an applicant that is not applying for a renewal of an aviation recreation organisation certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (3) the titles and names of the senior persons referred to in rules 149.51(a)(1) and (2); and
- (4) the duties and responsibilities of the senior persons referred to in rules 149.51(a)(1) and (2), including—
  - (i) matters for which they have a responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
  - (ii) responsibilities for safety management; and
- (5) an organisation chart showing lines of responsibility of the senior persons referred to in rules 149.51(a)(1) and (2) and extending to each location listed under paragraph (a)(8) of this rule; and
- (6) a summary of the lines of safety responsibility and accountability within the organisation, including the direct safety accountabilities of staff to the chief executive; and
- (7) a description of the activities to be conducted under the authority of the certificate; and

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- (6) the principal locations at which each activity will be conducted; and
- (7) a description of the facilities required by 149.53; and
- (8) details of the procedures required by—
  - (i) 149.51(b)(1) regarding the competence of personnel; and
  - (ii) 149.51(b)(2) regarding the exercise of any delegation held by a senior person or persons; and
  - (iii) 149.55(b) regarding the control and amendment of documentation; and
  - (iv) 149.57(a) regarding the identification, collection, indexing storage, maintenance, and disposal of records; and
  - (v) 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) 149.61 regarding the organisation of aviation events; and
  - (vii) 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.

**Subpart C — Operating Requirements****149.103 Changes to certificate holder's organisation**

- (a) Each holder of an aviation recreation organisation certificate shall ensure that their organisation exposition is amended so as to remain a current description of the holder's organisation.
- (b) The certificate holder shall ensure that any amendments made to the holder's exposition meet the applicable requirements of this Part and comply with the amendment procedures contained in the holder's exposition.

- (8) the principal locations at which each activity will be conducted; and
- (9) a description of the facilities required by rule 149.53; and
- (10) details of the procedures required by—
  - (i) rule 149.51(b)(1) regarding the competence of personnel; and
  - (ii) rule 149.51(c)(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; and
- (11) procedures to control, amend, and distribute the exposition.
- (b) The exposition must remain acceptable to the Director.

**Subpart C — Operating Requirements****149.103 Changes to certificate holder's organisation**

- (a) A holder of an aviation recreation organisation certificate must—
  - (1) ensure that the exposition is amended so that it remains a current description of the holder's organisation; and
  - (2) ensure that any amendment made to the exposition—
    - (i) is compliant with the Civil Aviation Rules; and
    - (ii) complies with the amendment procedures contained in the exposition; and

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(c) The certificate holder shall provide the Director with a copy of each amendment to the holder's exposition as soon as practicable after its incorporation into the exposition.

(d) Subject to paragraph (e), where a certificate holder proposes to make a change to any of the following, prior notification to and acceptance by the Director is required:

- (1) the chief executive;
- (2) the listed senior persons;
- (3) the holder or holders of any delegation made by the Director;
- (4) the activities authorised by the certificate;
- (5) the principal locations at which the activities may be carried out;
- (6) the procedures for personnel assessment and certification;
- (7) the procedures for organising aviation events.

(e) Where a certificate holder is a society incorporated under the Incorporated Societies Act 1908 and an election by members of the Society results in a new Chief Executive or listed senior person, the holder shall notify the Director of the change within 7 days of the election.

(f) The Director may prescribe conditions under which a certificate holder may operate during or following any of the changes specified in paragraph (d).

(g) A certificate holder shall comply with any conditions prescribed under paragraph (f).

(h) Where any of the changes referred to in this rule requires an amendment to the

(3) provide the Director with a copy of each amendment to the exposition—

- (i) as soon as practicable after the amendment is incorporated into the exposition; and
- (ii) in a format that may be specified by the Director from time to time; and

(4) make such amendments to the exposition as the Director considers necessary in the interests of aviation safety.

(b) Before a holder of an aviation recreation organisation certificate changes any of the following, prior acceptance by the Director is required:

- (1) the chief executive;
- (2) the title or name of any senior person referred to in rule 149.51(a)(2);
- (3) the holder or holders of any delegation made by the Director;
- (4) the activities authorised by the certificate;
- (5) the principal locations at which the activities may be carried out;
- (6) the system for safety management, if the change is a material change;
- (7) the procedures for personnel assessment and certification;
- (8) the procedures for organising aviation events.

(c) To avoid doubt, a holder of an aviation recreation organisation certificate must comply with paragraph (a) when making a change referred to in paragraph (b).

(d) Where a certificate holder is a society incorporated under the Incorporated Societies Act 1908 and an election by members of the Society results in a new chief executive or listed senior person, the holder must notify the Director of the change within 7 days of the election.

(e) The Director may impose conditions under which the holder of the aviation recreation organisation certificate must operate during or following any change.

(f) The holder of an aviation recreation organisation certificate must comply with any condition imposed under paragraph (e).

(g) If any change requires an amendment to the aviation recreation organisation certificate,

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certificate, the certificate holder shall forward the certificate to the Director as soon as practicable.

(i) The certificate holder shall make such amendments to the holder's exposition as the Director may consider necessary in the interests of aviation safety.

**149.105 Safety inspections and audits**

(a) The holder of an aviation recreation organisation certificate may be required by the Director, in writing, to undergo or carry out such inspections and audits of the holder's activities at their principal locations including facilities, documents, and records as the Director considers necessary in the interests of civil aviation safety and security in accordance with section 15 of the Act.

(b) The Director may require the holder of an aviation recreation organisation certificate to provide such information as the Director considers relevant to the inspection or audit.

the certificate holder **must** forward the certificate to the Director **for endorsement of the change** as soon as practicable.

**149.105 Revoked****Subpart D Transition Provisions****149.151 Transition for aviation recreation organisation certificate holders and applicants**

(a) This rule applies to each—

- (1) aviation recreation organisation certificate holder;
- (2) aviation recreation organisation certificate applicant.

(b) Before [date that is 3 years after the date this rule comes into force], an organisation to which this rule applies—

(1) is not required to comply with—

- (i) rule 149.51(a)(2)(iii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;
- (ii) rule 149.63, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 149.153;
- (iii) rule 149.65(a)(2);

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- (iv) rule 149.65(a)(4)(ii):
- (v) rule 149.65(a)(6); but
- (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 3 years from rule effective date] the system for safety management required under rule 149.63.
- (c) Each organisation that relies on paragraph (b) must submit the required implementation plan—
  - (1) before [date that is 9 months after the rule comes into effect], if the organisation is an aviation recreation organisation certificate holder; or
  - (2) together with the organisation's application for an aviation recreation organisation certificate, if the organisation is an aviation recreation organisation certificate applicant.
- (d) For the purpose of rule 149.103(b)(6), transitioning from an internal quality assurance system to the system for safety management required by rule 149.63 is deemed to be a material change to the system for safety management.
- (e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 3 years after this rule comes into force]—
  - (1) rule 149.51(a)(2)(iii):
  - (2) rule 149.63:
  - (3) rule 149.65(a)(2):
  - (4) rule 149.65 (a)(4)(ii):
  - (5) rule 149.65(a)(6).
- (f) This rule expires on [date that is 3 years after rule effective date].

**149.153 Transitional internal quality assurance for aviation recreation organisation certificate holders and applicants**

- (a) The internal quality assurance system required by rule 149.151(b)(1)(ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures

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required by this Part.

- (b) The internal quality assurance system must include—
  - (1) a **safety policy** and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its members; and
  - (2) a procedure to ensure **quality indicators**, including personnel and member feedback, are monitored to identify existing problems, or potential causes of problems, within the system; and
  - (3) a procedure for **corrective action**, to ensure existing problems that have been identified within the system are corrected; and
  - (4) a procedure for **preventive action**, to ensure that potential causes of problems that have been identified within the system are remedied; and
  - (5) an **internal audit** programme to audit the applicant's organisation for conformity with its safety policy; and
  - (6) **management review** procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures must ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure for corrective action must specify how—
  - (1) existing problems are corrected; and
  - (2) corrective action is followed up to ensure the action is effective; and
  - (3) procedures are amended as a result of corrective action; and
  - (4) management will review the effectiveness of any corrective action taken.
- (e) The procedure for preventive action must specify how—
  - (1) potential problems are corrected; and
  - (2) preventive action is followed up to ensure the action is effective; and

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- (3) procedures are amended as a result of preventive action; and
- (4) management will review the effectiveness of any preventive action taken.
- (f) The internal quality audit programme must—
  - (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (5) ensure there are follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review must—
  - (1) specify the frequency of management reviews of the quality assurance system, taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the manager who is responsible for the review of the quality assurance system; and
  - (3) ensure that the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting safety.
- (i) This rule expires on [date that is 3 years after rule effective date].

**Current Rules**

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**Proposed Rules**

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## Current Rules **Part 171 Aeronautical Telecommunication Services – Operation and Certification** Proposed Rules

### Subpart B — Certification Requirements

#### 171.51 Personnel requirements

(a) An applicant for an aeronautical telecommunication service certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who—
  - (i) has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out to meet applicable operational requirements; and
  - (ii) is responsible for ensuring that the organisation complies with the requirements of this Part; and
- (2) a senior person or persons responsible to the chief executive for ensuring that the applicant's organisation complies with its exposition; and
- (3) sufficient personnel to inspect, supervise, and maintain the facilities listed in the applicant's exposition.

(b) An applicant for an aeronautical telecommunication service certificate must establish procedures for personnel, who are authorised by the holder of the aeronautical telecommunications service certificate to place into operational service any of the facilities listed in the exposition, to—

- (1) assess the competence of those authorised personnel; and
- (2) maintain the competence of those authorised personnel; and
- (3) establish a means to provide those personnel with written evidence of the scope of their authorisation.

#### 171.71 Records

(a) An applicant for an aeronautical telecommunication service certificate must establish procedures to identify, collect, index, store, maintain, and dispose of the records that are

### Subpart B — Certification Requirements

#### 171.51 Personnel requirements

(a) An applicant for the grant of an aeronautical telecommunication service certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who—
  - (i) has the authority within the organisation to ensure that every activity undertaken by the organisation under the authority of the certificate can be financed and carried out in accordance with this Part; and
  - (ii) is responsible for ensuring that the organisation complies with this Part; and
- (2) a senior person or persons accountable to the chief executive who are responsible—
  - (i) for ensuring that the organisation complies with its exposition; and
  - (ii) the system for safety management required under rule 171.73; and
- (3) sufficient personnel to inspect, supervise, and maintain the facilities listed in the exposition.

(b) The senior person required by paragraph (a)(2)(ii) must be able to demonstrate knowledge and experience relevant to the management of safety systems and the activities of the certificate holder.

(c) An applicant for an aeronautical telecommunication service certificate must establish procedures for—

- (1) initially assessing, and for maintaining, the competence of those personnel who are authorised by the holder of the aeronautical telecommunications service certificate to place into operational service any of the facilities listed in the exposition; and
- (2) providing authorised personnel with written evidence of the scope of their authorisation.

#### 171.71 Records

(a) An applicant for an aeronautical telecommunication service certificate must establish procedures to identify, collect, index, store, maintain, and dispose of the records that are

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necessary to record—

- (1) the safe provision of the aeronautical telecommunication services; and
  - (2) the safe operation of each aeronautical facility listed in the applicant's exposition.
- (b) The procedures required under paragraph (a) must require that accurate records of the following are maintained:
- (1) for each aeronautical facility, a record—
    - (i) documenting the operating performance of the aeronautical facility; and
    - (ii) providing a history of the maintenance, and the periodic inspections and tests of the aeronautical facility, that are traceable to the person or persons responsible for each of the recorded activities; and
  - (2) for each aeronautical facility, a record of the establishment of, or a change in, the periodic tests required under 171.59(a); and
  - (3) for each item of test equipment required under 171.63(a) that is used for the measurement of an aeronautical facility's critical performance parameters, a record that includes a traceable history of the location, maintenance, and the calibration checks for the item of test equipment; and
  - (4) for each facility malfunction incident reported under Part 12, a record that includes—
    - (i) details of the nature of the malfunction; and
    - (ii) the findings of the investigation; and
    - (iii) the follow up corrective actions; and
    - (iv) if applicable, a copy of the report submitted to the Authority under Part 12; and
  - (5) a record of each internal audit **required under 171.73(b)(5)**, and **of** each management review required under 171.73**(b)(6)**; and
  - (6) for each person who is authorised in accordance with 171.51(b) to place aeronautical facilities into operational service, a record that includes details of the person's experience, qualifications, training, competence assessments, and current

necessary to record—

- (1) the safe provision of the aeronautical telecommunication services; and
  - (2) the safe operation of each aeronautical facility listed in the applicant's exposition.
- (b) The procedures required under paragraph (a) must require that accurate records of the following are maintained:
- (1) for each aeronautical facility, a record—
    - (i) documenting the operating performance of the aeronautical facility; and
    - (ii) providing a history of the maintenance, and the periodic inspections and tests of the aeronautical facility, that are traceable to the person or persons responsible for each of the recorded activities; and
  - (2) for each aeronautical facility, a record of the establishment of, or a change in, the periodic tests required under **rule** 171.59(a); and
  - (3) for each item of test equipment required under **rule** 171.63(a) that is used for the measurement of an aeronautical facility's critical performance parameters, a record that includes a traceable history of the location, maintenance, and the calibration checks for the item of test equipment; and
  - (4) for each facility malfunction incident reported under Part 12, a record that includes—
    - (i) details of the nature of the malfunction; and
    - (ii) the findings of the investigation; and
    - (iii) the follow up corrective actions; and
    - (iv) if applicable, a copy of the report submitted to the Authority under Part 12; and
  - (5) a record of each internal audit and each management review required under **rule** 171.73; and
  - (6) for each person who is authorised in accordance with **rule** 171.51(b) to place aeronautical facilities into operational service, a record that includes details of the person's experience, qualifications, training, competence assessments, and current

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authorisations.

- (c) The procedures required under paragraph (a) must require—
- (1) all records to be legible and of a permanent nature; and
  - (2) all aeronautical facility records required under paragraph (b)(1) to be retained for a period of at least three years unless a longer period is required—
    - (i) by the Director; or
    - (ii) to establish a performance history for the aeronautical facility.

### 171.73 Internal quality assurance

(a) An applicant for an aeronautical telecommunication service certificate must establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required under this Part.

- (b) The internal quality assurance system must include—
- (1) a safety policy and safety policy procedures, including the procedure required under 171.69 for investigating facility malfunction incidents; and
  - (2) a procedure to ensure quality indicators, including equipment availabilities, malfunctions, faults, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the internal quality assurance system; and
  - (3) a procedure for corrective action to ensure existing problems that have been identified within the internal quality assurance system are corrected; and
  - (4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the internal quality assurance system are remedied; and
  - (5) an internal audit programme for the applicant's organisation to ensure conformity with the procedures in the applicant's exposition and to achieve the goals set in the safety policy; and
  - (6) management review procedures, that should include the use of statistical analysis if appropriate, to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.

authorisations.

- (c) The procedures required under paragraph (a) must require—
- (1) all records to be legible and of a permanent nature; and
  - (2) all aeronautical facility records required under paragraph (b)(1) to be retained for a period of at least three years unless a longer period is required—
    - (i) by the Director; or
    - (ii) to establish a performance history for the aeronautical facility.

### 171.73 Safety management

An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

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- (c) The procedure required under paragraph (b)(3) for corrective action must specify how—
- (1) to correct an existing quality problem; and
  - (2) to follow up a corrective action to ensure the action is effective; and
  - (3) to amend any procedure required under this Part as a result of a corrective action; and
  - (4) management will measure the effectiveness of any corrective action taken.
- (d) The procedure required under paragraph (b)(4) for preventive action must specify how—
- (1) to correct a potential quality problem; and
  - (2) to follow-up a preventive action to ensure the action is effective; and
  - (3) to amend any procedure required under this Part as a result of a preventive action; and
  - (4) management will measure the effectiveness of any preventive action taken.
- (e) The internal audit programme required under paragraph (b)(5) must—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) measure the effectiveness of any preventative or corrective action taken by the personnel responsible for the activity being audited since the last audit; and
  - (3) require preventative or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
- (f) The procedure for management review required under paragraph (b)(6) must—
- (1) specify the frequency of management reviews of the internal quality assurance system taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the senior person responsible for the management reviews referred to in paragraph (f)(1); and

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- (g) The senior person responsible for the internal quality assurance system must—
- (1) ensure that the safety policy and the safety policy procedures are understood, implemented, and maintained at all levels of the aeronautical telecommunication service certificate holder's organisation; and
  - (2) ensure that the audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure that the results of the audits are reported to the personnel responsible for the activity being audited; and
  - (4) ensure that all corrective and preventative actions are followed up to review the effectiveness of those actions; and
  - (5) ensure that the results of the management review are evaluated and recorded; and
  - (6) have direct access to the chief executive on matters affecting the integrity of the facilities operated under the authority of the aeronautical telecommunications service certificate.

### 171.77 Organisation exposition

- (a) An applicant for an aeronautical telecommunication service certificate must provide the Director with an exposition containing—
- (1) a statement signed by the chief executive, on behalf of the applicant's organisation confirming that—
    - (i) the exposition defines the organisation and demonstrates its means and methods for ensuring ongoing compliance with this Part; and
    - (ii) the exposition, and all associated manuals, operating, and maintenance instructions, must be complied with by the organisation's personnel at all times; and

### 171.77 Aeronautical telecommunication service organisation exposition

- (a) An applicant for the grant of an aeronautical telecommunication service certificate must provide the Director with an exposition, in a format that may be specified by the Director from time to time, which contains—
- (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 the Civil Aviation Rules; and
    - (ii) must be complied with by the organisation's personnel at all times; and
  - (2) in relation to the system for safety management required by rule 171.73,—
    - (i) all of the documentation required by rule 100.3(b); and
    - (ii) for an applicant that is not applying for a renewal of an aeronautical telecommunication service certificate, an implementation plan that

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| <p>(2) the titles and names of the senior person or persons <b>required under</b> 171.51(a)(1) and (2); and</p> <p>(3) the duties and responsibilities of the senior person or persons <b>in paragraph (a)(2)</b>, including matters for which they have responsibility to deal directly with the Director on behalf of the organisation; and</p> <p>(4) an organisation chart showing lines of responsibility of the senior persons in <b>paragraph (a)(2)</b> and covering each location listed under paragraph <b>(a)(7)</b>; and</p> <p>(5) a summary of the organisation's staffing structure at each location listed under paragraph <b>(a)(7)</b>; and</p> <p>(6) a list of each type of aeronautical facility to be operated under the authority of the aeronautical telecommunication service certificate; and</p> <p>(7) a summary of the scope of activities at each location where the organisation's personnel are based for the purpose of providing or maintaining the types of facilities listed under paragraph <b>(a)(6)</b>; and</p> <p>(8) a summary of the operational details of each aeronautical facility associated with each location listed under paragraph <b>(a)(7)</b>; and</p> <p>(9) details of the security programme required under 171.55; and</p> <p>(10) <b>the detailed procedures required under 171.73 regarding internal quality assurance</b>; and</p> <p>(11) the detailed procedures, or an outline of the procedures including information that identifies the documentation that contains the detailed procedures, that are required under—</p> | <p><b>describes how the system for safety management will be implemented; and</b></p> <p>(3) the titles and names of the senior <b>persons referred to in rules</b> 171.51(a)(1) and (2); and</p> <p>(4) the duties and responsibilities of the <b>senior persons referred to in rules 171.51(a)(1) and (2)</b>, including—</p> <p>(i) <b>matters for which they have responsibility to deal directly with the Director or the Authority</b> on behalf of the organisation; and</p> <p>(ii) <b>responsibilities for safety management</b>; and</p> <p>(5) an organisation chart showing lines of responsibility of <b>each senior person referred to</b> in <b>rules 171.51(a)(1) and (2)</b> and <b>extending to</b> each location listed under paragraph <b>(a)(9)</b>; and</p> <p>(6) a summary of the organisation's staffing structure at each location listed under paragraph <b>(a)(9)</b>; and</p> <p>(7) <b>a summary of the lines of safety responsibility and accountability within the organisation, including the direct safety accountabilities of staff to the chief executive</b>; and</p> <p>(8) a list of each type of aeronautical facility to be operated under the authority of the aeronautical telecommunication service certificate; and</p> <p>(9) a summary of the scope of activities at each location where the organisation's personnel are based for the purpose of providing or maintaining the types of facilities listed under paragraph <b>(a)(8)</b>; and</p> <p>(10) a summary of the operational details of each aeronautical facility associated with each location listed under paragraph <b>(a)(9)</b>; and</p> <p>(11) details of the security programme required under rule 171.55; and</p> <p>(12) the detailed procedures, or an outline of the procedures including information that identifies the documentation that contains the detailed procedures, that are required under—</p> |
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| <ul style="list-style-type: none"> <li>(i) 171.51(b)(1) and (2) regarding the competence of personnel; and</li> <li>(ii) 171.53(a) regarding the design, installation, and commissioning of facilities; and</li> <li>(iii) 171.53(b) regarding the operation of temporary facilities for site tests; and</li> <li>(iv) 171.57(b) regarding the control of documentation; and</li> <li>(v) 171.59(a) regarding periodic inspections and testing of facilities; and</li> <li>(vi) 171.61 regarding facility performance; and</li> <li>(vii) 171.63 regarding the control, calibration, and maintenance of inspection, measuring, and test equipment; and</li> <li>(viii) 171.65(a) regarding the notification of facility information; and</li> <li>(ix) 171.67(a) regarding facility checks after notification of an accident or incident; and</li> <li>(x) 171.69 regarding facility malfunction incidents; and</li> <li>(xi) 171.71(a) regarding the identification, collection, indexing, storage, maintenance, and disposal of records; and</li> <li>(xii) 171.75 regarding the communication procedures; and</li> </ul> <p>(12) Detailed procedures to control, amend, and distribute the exposition.</p> <p>(b) <b>The Director may not grant an aeronautical telecommunication service certificate unless the Director is satisfied that the applicant's exposition complies with this Part.</b></p> | <ul style="list-style-type: none"> <li>(i) <b>rule</b> 171.51(b)(1) and (2) regarding the competence of personnel; and</li> <li>(ii) <b>rule</b> 171.53(a) regarding the design, installation, and commissioning of facilities; and</li> <li>(iii) <b>rule</b> 171.53(b) regarding the operation of temporary facilities for site tests; and</li> <li>(iv) <b>rule</b> 171.57(b) regarding the control of documentation; and</li> <li>(v) <b>rule</b> 171.59(a) regarding periodic inspections and testing of facilities; and</li> <li>(vi) <b>rule</b> 171.61 regarding facility performance; and</li> <li>(vii) <b>rule</b> 171.63 regarding the control, calibration, and maintenance of inspection, measuring, and test equipment; and</li> <li>(viii) <b>rule</b> 171.65(a) regarding the notification of facility information; and</li> <li>(ix) <b>rule</b> 171.67(a) regarding facility checks after notification of an accident or incident; and</li> <li>(x) <b>rule</b> 171.69 regarding facility malfunction incidents; and</li> <li>(xi) <b>rule</b> 171.71(a) regarding the identification, collection, indexing, storage, maintenance, and disposal of records; and</li> <li>(xii) <b>rule</b> 171.75 regarding the communication procedures; and</li> </ul> <p>(13) <b>detailed</b> procedures to control, amend, and distribute the exposition.</p> <p>(b) <b>The exposition must remain acceptable to the Director.</b></p> |
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### Subpart C — Operating Requirements

#### 171.115 Changes to certificate holder's organisation

- (a) The holder of an aeronautical telecommunication service certificate must—
- (1) ensure that its exposition is amended, **as required, to remain** a current description of the **certificate holder's organisation, aeronautical telecommunication services, and facilities**; and
  - (2) ensure that any **amendments** made to **its** exposition **meet the applicable**

### Subpart C — Operating Requirements

#### 171.115 Changes to certificate holder's organisation

- (a) **A** holder of an aeronautical telecommunication service certificate must—
- (1) ensure that **the** exposition is amended **so that it remains** a current description of the holder's organisation; and
  - (2) ensure that any **amendment** made to **the** exposition—

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- requirements of this Part; and
- (3) comply with the exposition amendment procedure contained in its exposition; and
- (4) provide the Director with a copy of each amendment to its exposition, immediately after the amendment is incorporated into the exposition; and
- (5) make such amendments to its exposition as the Director may consider necessary in the interests of aviation safety.
- (b) The holder of an aeronautical telecommunication service certificate must apply and obtain prior acceptance by the Director if the certificate holder proposes to change any of the following—
- (1) the chief executive;
  - (2) the listed senior persons;
  - (3) the security programme;
  - (4) the types of aeronautical facility operated under the authority of the certificate.
- (c) An application to make any of the changes under paragraph (b) must be made by the certificate holder on form CAA 24171/01.
- (d) The Director may impose any conditions, that the Director considers necessary in the interests of aviation safety, on the holder of an aeronautical telecommunications service certificate while any changes under paragraph (b) are occurring or as a consequence of those changes.
- (e) The holder of an aeronautical telecommunication service certificate must comply with any conditions imposed by the Director under paragraph (d).
- (f) If any of the changes under paragraph (b) requires an amendment to the aeronautical telecommunication service certificate, the certificate holder must forward the certificate to the Director as soon as practicable.
- (i) is compliant with the Civil Aviation Rules; and
- (ii) complies with the amendment procedures contained in the exposition; and
- (3) provide the Director with a copy of each amendment to the exposition—
- (i) as soon as practicable after the amendment is incorporated into the exposition; and
  - (ii) in a format that may be specified by the Director from time to time; and
- (4) make such amendments to the exposition as the Director considers necessary in the interests of aviation safety.
- (b) Before a holder of an aeronautical telecommunication service certificate changes any of the following, prior acceptance by the Director is required:
- (1) the chief executive;
  - (2) the title or name of any senior person referred to in rule 171.51(a)(2);
  - (3) the security programme;
  - (4) the types of aeronautical facility operated under the authority of the certificate;
  - (5) the system for safety management, if the change is a material change.
- (c) To avoid doubt, a holder of an aeronautical telecommunication service certificate must comply with paragraph (a) when making a change referred to in paragraph (b).
- (d) The Director may impose any conditions under which the holder of the air traffic service certificate must operate during or following any change.
- (e) The holder of an aeronautical telecommunication service certificate must comply with any condition imposed under paragraph (d).
- (f) If any change requires an amendment to the aeronautical telecommunication service certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.

**Current Rules** Part 171 Aeronautical Telecommunication Services – Operation and Certification **Proposed Rules****Subpart E Transition Provisions****171.251 Transition for aeronautical telecommunication service organisation certificate holders and applicants**

- (a) This rule applies to each—
- (1) aeronautical telecommunication service certificate holder;
  - (2) aeronautical telecommunication service certificate applicant.
- (b) Before [date that is 1 year after the date this rule comes into force], an organisation to which this rule applies—
- (1) is not required to comply with—
    - (i) rule 171.51(a)(2)(ii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;
    - (ii) rule 171.73, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 171.253;
    - (iii) rule 171.77(a)(2);
    - (iv) rule 171.77(a)(4)(ii);
    - (v) rule 171.77(a)(7); but
  - (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date year from rule effective date] the system for safety management required under rule 171.73.
- (c) Each organisation that relies on paragraph (b) must submit the required implementation plan—
- (1) before [date that is 6 months after the rule comes into effect], if the organisation is an aeronautical telecommunication service certificate holder; or
  - (2) together with the organisation's application for an aeronautical telecommunication service certificate, if the organisation is an aeronautical telecommunication service certificate applicant.

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- (d) For the purpose of rule 171.115(b)(5), transitioning from an internal quality assurance system to the system for safety management required by rule 171.73 is deemed to be a material change to the system of safety management.
- (e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 1 year before this rule comes into force]—
- (1) rule 171.51(a)(2)(ii):
  - (2) rule 171.77:
  - (3) rule 171.77(a)(2):
  - (4) rule 171.77(a)(4)(ii):
  - (5) rule 171.77(a)(7).
- (f) This rule expires on [date that is 1 year after rule effective date].

### 171.253 Transitional internal quality assurance for aeronautical telecommunication service organisation certificate holders and applicants

- (a) The internal quality assurance system required by rule 171.251(b)(1)(ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.
- (b) The internal quality assurance system must include—
- (1) a safety policy and safety policy procedures, including the procedure required under 171.69 for investigating facility malfunction incidents; and
  - (2) a procedure to ensure quality indicators, including equipment availabilities, malfunctions, faults, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the internal quality assurance system; and
  - (3) a procedure for corrective action to ensure existing problems that have been identified within the internal quality assurance system are corrected; and
  - (4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the internal quality assurance system are remedied; and
  - (5) an internal audit programme for the applicant's organisation to ensure conformity

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- with the procedures in the applicant's exposition and to achieve the goals set in the safety policy; and
- (6) management review procedures, that should include the use of statistical analysis if appropriate, to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The procedure required under paragraph (b)(3) for corrective action must specify how—
- (1) to correct an existing quality problem; and
  - (2) to follow up a corrective action to ensure the action is effective; and
  - (3) to amend any procedure required under this Part as a result of a corrective action; and
  - (4) management will measure the effectiveness of any corrective action taken.
- (d) The procedure required under paragraph (b)(4) for preventive action must specify how—
- (1) to correct a potential quality problem; and
  - (2) to follow-up a preventive action to ensure the action is effective; and
  - (3) to amend any procedure required under this Part as a result of a preventive action; and
  - (4) management will measure the effectiveness of any preventive action taken.
- (e) The internal audit programme required under paragraph (b)(5) must—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) measure the effectiveness of any preventative or corrective action taken by the personnel responsible for the activity being audited since the last audit; and
  - (3) require preventative or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
- (f) The procedure for management review required under paragraph (b)(6) must —

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- (1) specify the frequency of management reviews of the internal quality assurance system taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the senior person responsible for the management reviews referred to in paragraph (f)(1); and
- (g) The senior person responsible for the internal quality assurance system must—
- (1) ensure that the safety policy and the safety policy procedures are understood, implemented, and maintained at all levels of the aeronautical telecommunication service certificate holder's organisation; and
  - (2) ensure that the audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure that the results of the audits are reported to the personnel responsible for the activity being audited; and
  - (4) ensure that all corrective and preventative actions are followed up to review the effectiveness of those actions; and
  - (5) ensure that the results of the management review are evaluated and recorded; and
- (h) have direct access to the chief executive on matters affecting the integrity of the facilities operated under the authority of the aeronautical telecommunications service certificate.
- (i) This rule expires on [date that is 1 year after rule effective date].

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## Subpart B — Certification Requirements

## 172.51 Personnel requirements

(a) Each applicant for the grant of an air traffic service certificate shall engage, employ, or contract—

- (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that each air traffic service listed in its exposition—
  - (i) can be financed; and
  - (ii) is provided in accordance with the requirements prescribed by this Part; and
- (2) a senior person or persons who are responsible for ensuring that the applicant's organisation complies with the requirements of this Part. Such nominated person or persons shall be ultimately responsible to the Chief Executive; and
- (3) sufficient personnel to manage, support, and provide the air traffic services and any associated training or assessment listed in the applicant's exposition.

(b) The applicant shall establish procedures to—

- (1) ensure the competence of those personnel who are authorised by the applicant to provide the air traffic services, and training and assessment for those services, listed in the applicant's exposition; and
- (2) provide those authorised personnel with written evidence of the scope of their authorisation; and
- (3) ensure that those authorised personnel hold appropriate current licences and ratings issued under Part 65; and

## Subpart B — Certification Requirements

## 172.51 Personnel requirements

(a) An applicant for the grant of an air traffic service certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who—
  - (i) has the authority within the organisation to ensure that every activity undertaken by the organisation under the authority of the certificate can be financed and carried out in accordance with this Part; and
  - (ii) is responsible for ensuring that the organisation complies with this Part; and
- (2) a senior person or persons accountable to the chief executive who are responsible for—
  - (i) ensuring that the organisation complies with its exposition; and
  - (ii) the system for safety management required under rule 172.123; and
- (3) sufficient personnel to manage, support, and provide the air traffic services and any associated training or assessment listed in the exposition.

(b) The senior person required by paragraph (a)(2)(ii) must be able to demonstrate knowledge and experience relevant to the management of safety systems and the activities of the certificate holder.

(c) The applicant must establish procedures for—

- (1) initially assessing, and for maintaining, the competence of those personnel who are authorised by the applicant to provide the air traffic services, and training and assessment for those services, listed in the exposition; and
- (2) providing those authorised personnel with written evidence of the scope of their authorisation; and
- (3) ensuring that those authorised personnel hold appropriate current licences and ratings issued under the Act and in accordance with Part 65; and

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- (4) **ensure**, where practicable, that authorised personnel only exercise the privileges of their rating or ratings if they are familiar with all relevant and current information; and
- (5) **facilitate**, for rated air traffic service licence holders, compliance with the recent experience requirements of Part 65; and
- (6) **ensure**, where practicable, that an air traffic controller **shall** not exercise the privileges of their rating or ratings—
  - (i) unless they comply with any endorsements on their medical certificate; and
  - (ii) when any decrease in their medical fitness might render them unable to safely exercise these privileges.

**172.115 Records**

(a) **Each** applicant for the grant of an air traffic service certificate **shall** establish systems and procedures to identify, collect, index, file, store, secure, maintain, access, and dispose of, records necessary for—

- (1) the operational provision of air traffic services; and
- (2) the purpose of assisting with any accident or incident investigation.

(b) The records **shall** include—

- (1) telephone communications; and
- (2) radio broadcasts and communications; and
- (3) air-ground digital data exchanges; and
- (4) radar information; and
- (5) filed flight plans including standard and repetitive plans; and
- (6) flight progress strips; and
- (7) staff duty rosters; and
- (8) appropriate meteorological and aeronautical information, except where the information is retained for an equivalent period by a meteorological or AIS

- (4) **ensuring**, where practicable, that authorised personnel only exercise the privileges of their rating or ratings if they are familiar with all relevant and current information; and
- (5) **facilitating**, for rated air traffic service licence holders, compliance with the recent experience requirements of Part 65; and
- (6) **ensuring**, where practicable, that an air traffic controller **does** not exercise the privileges of their rating or ratings—
  - (i) unless they comply with any endorsements on their medical certificate; and
  - (ii) when any decrease in their medical fitness might render them unable to safely exercise these privileges.

**172.115 Records**

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- (3) air-ground digital data exchanges; and
- (4) radar information; and
- (5) filed flight plans including standard and repetitive plans; and
- (6) flight progress strips; and
- (7) staff duty rosters; and
- (8) appropriate meteorological and aeronautical information, except where the information is retained for an equivalent period by a meteorological or AIS

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- organisation; and
- (9) a record of each internal quality assurance review carried out under the procedures required by 172.123. The record shall detail the activities reviewed and any necessary follow-up corrective and preventive actions; and
- (10) a record for every person who is required to be trained under rule 172.165, including details of—
- (i) each segment of training that is undertaken; and
  - (ii) knowledge testing or competency assessment as appropriate for the training conducted.
- (c) The applicant shall establish systems and procedures to ensure the electronic recording of—
- (1) all ATS radio and telephone communications; and
  - (2) all high-frequency air-ground communications; and
  - (3) all relevant data from primary and secondary radar equipment, or obtained through automatic dependent surveillance (ADS), used in providing or supporting an ATC service; and
  - (4) for any equipment coming into service after the date this Part comes into force, any transfer and acceptance of control process not conducted by telephone.
- (d) The applicant shall establish systems and procedures to ensure that electronic records required by paragraph (c)—
- (1) include time recording, correct to within 5 seconds of UTC, as determined by reference to a standard time station or GPS time standard; and
  - (2) either—
    - (i) replicate the voice communications, and, if applicable, the radar picture, applying at the particular operating position; or
    - (ii) are accompanied by a statement fully describing the differences between the recording supplied and a recording in accordance with subparagraph (i).
- (e) For the purposes of paragraph (d)(2) the term radar picture includes any visual
- organisation; and
- (9) a record for each management review as required by rule 172.123 detailing the activities reviewed and any necessary follow-up corrective or preventive actions or risk mitigation; and
- (10) a record for every person who is required to be trained under rule 172.165, including details of—
- (i) each segment of training that is undertaken; and
  - (ii) knowledge testing or competency assessment as appropriate for the training conducted.
- (c) The applicant must establish systems and procedures to ensure the electronic recording of—
- (1) all ATS radio and telephone communications; and
  - (2) all high-frequency air-ground communications; and
  - (3) all relevant data from primary and secondary radar equipment, or obtained through automatic dependent surveillance (ADS), used in providing or supporting an ATC service; and
  - (4) for any equipment coming into service after the date this Part comes into force, any transfer and acceptance of control process not conducted by telephone.
- (d) The applicant must establish systems and procedures to ensure that electronic records referred to in paragraph (c)—
- (1) include time recording, correct to within 5 seconds of UTC, as determined by reference to a standard time station or GPS time standard; and
  - (2) either—
    - (i) replicate the voice communications, and, if applicable, the radar picture, applying at the particular operating position; or
    - (ii) are accompanied by a statement fully describing the differences between the recording supplied and a recording in accordance with subparagraph (i).
- (e) For the purposes of paragraph (d)(2) the term radar picture includes any visual

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presentation of aircraft position, however derived.

(f) The option provided by paragraph (d)(2)(ii) **shall apply** only to equipment in service on **the date this Part comes into force**.

(g) The applicant **shall** establish systems and procedures to ensure that all records, except where replication is required by paragraph (d)(2)(i), are of sufficient clarity to convey the required information.

(h) The applicant **shall** establish procedures to ensure that the records referred to in paragraph (b) are retained for 31 days from the date of entry, except for—

- (1) staff duty rosters which must be retained for 2 years; and
- (2) written records associated with the requirements of 172.121(a)(2) and (3) which must be retained for 2 years; and
- (3) training records which must be retained for a period of 3 years from the date the affected person ceases to work or be associated with the air traffic service organisation.

**172.123 Internal quality assurance**

(a) Each applicant for the grant of an air traffic service certificate shall establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.

(b) The internal quality assurance system shall include—

- (1) a safety policy and safety policy procedures; and
- (2) a procedure to ensure quality indicators, including samples of radio and telephone records, defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and
- (3) a procedure for corrective action to ensure existing problems that have been identified within the system are corrected; and
- (4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and
- (5) an internal audit programme to audit the applicant's organisation for conformity

presentation of aircraft position, however derived.

(f) The option provided by paragraph (d)(2)(ii) only **applies** to equipment **that was in service on 1 January 1998**.

(g) The applicant **must** establish systems and procedures to ensure that all records, except where replication is required by paragraph (d)(2)(i), are of sufficient clarity to convey the required information.

(h) The applicant **must** establish procedures to ensure that the records referred to in paragraph (b) are retained for 31 days from the date of entry, except for—

- (1) staff duty rosters which must be retained for 2 years; and
- (2) written records associated with the requirements of rules 172.121(a)(2) and (3) which must be retained for 2 years; and
- (3) training records which must be retained for a period of 3 years from the date the affected person ceases to work or be associated with the air traffic service organisation.

**172.123 Safety management**

An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

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with its safety policy; and

- (6) management review procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.
- (c) The safety policy procedures shall ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure for corrective action shall specify how—
- (1) to correct an existing problem; and
  - (2) to follow up a corrective action to ensure the action is effective; and
  - (3) to amend any procedure required by this Part as a result of a corrective action; and
  - (4) management will measure the effectiveness of any corrective action taken.
- (e) The procedure for preventive action shall specify how—
- (1) to correct a potential problem; and
  - (2) to follow-up a preventive action to ensure the action is effective; and
  - (3) to amend any procedure required by this Part as a result of a preventive action; and
  - (4) management will measure the effectiveness of any preventive action taken.
- (f) The internal quality audit programme shall—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) require preventive or corrective action to be taken by the personnel responsible for

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the activity being audited if problems are found by the audit; and

- (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review shall—
- (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the responsible manager who shall review the quality assurance system; and
  - (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive on matters affecting the safe provision of any air traffic service listed in the exposition.

**172.125 Organisation exposition**

- (a) An applicant for the grant of an air traffic service certificate must provide the Director with an exposition containing—
- (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 and any other applicable Part; and
    - (ii) are required to be complied with by its personnel at all times; and
  - (2) the titles and names of the senior person or persons required by rule 172.51(a)(1)

**172.125 Air traffic service organisation exposition**

- (a) An applicant for the grant of an air traffic service certificate must provide the Director with an exposition, in a format that may be specified by the Director from time to time, which contains—
- (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 the Civil Aviation Rules; and
    - (ii) are required to be complied with by its personnel at all times; and
  - (2) in relation to the system for safety management required by rule 172.123,—
    - (i) all of the documentation required by rule 100.3(b); and
    - (ii) for an applicant that is not applying for a renewal of an air traffic service certificate, an implementation plan that describes how the system for safety management will be implemented; and
  - (3) the titles and names of the senior persons referred to in rules 172.51(a)(1) and (2);

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- and (2); and
- (3) the duties and responsibilities of the senior person or persons specified in paragraph (a)(2), including matters for which they have responsibility to deal directly with the Director on behalf of the organisation; and
- (4) an organisation chart showing lines of responsibility of the senior persons specified in paragraph (a)(2), and extending to each location listed under paragraph (a)(5)(i); and
- (5) in the case of an organisation providing air traffic services from more than 1 ATS unit, a table listing—
- (i) locations of ATS units; and
  - (ii) the aerodrome or airspace being serviced; and
  - (iii) the services provided; and
- (6) details of the applicant's staffing structure for each ATS unit; and
- (7) details of procedures required by rule 172.51(b) regarding the, competency, qualifications, maintenance of current operating practice, and fitness of personnel; and
- (8) details of procedures required by rule 172.53 regarding the training and assessment of ATS personnel, and regarding the qualifications of ATS training personnel; and
- (9) *[Reserved]*
- (10) a description of the display systems to be used in meeting the requirements of rules 172.57(b)(5)(i) and 172.57(c)(2)(i); and
- (11) the information required by rule 172.59 regarding hours of service, the
- and
- (4) the duties and responsibilities of the senior persons referred to in rules 172.51(a)(1) and (2), including—
- (i) matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
  - (ii) responsibilities for safety management; and
- (5) an organisation chart showing lines of responsibility of the senior persons referred to in rules 172.51(a)(1) and (2), and extending to each location listed under paragraph (a)(6)(i); and
- (6) in the case of an organisation providing air traffic services from more than 1 ATS unit, a table listing—
- (i) locations of ATS units; and
  - (ii) the aerodrome or airspace being serviced; and
  - (iii) the services provided; and
- (7) details of—
- (i) the applicant's staffing structure for each ATS unit; and
  - (ii) the procedures required by rule 172.51(c) regarding the competency, qualifications, maintenance of current operating practice, and fitness of personnel; and
  - (iii) the procedures required by rule 172.53 regarding the training and assessment of ATS personnel, and regarding the qualifications of ATS training personnel; and
- (8) a summary of the lines of safety responsibility and accountability within the organisation, including the direct safety accountabilities of staff to the chief executive; and
- (9) a description of the display systems to be used in meeting the requirements of rules 172.57(b)(5)(i) and 172.57(c)(2)(i); and
- (10) the information required by rule 172.59 regarding hours of service, the

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| <p>establishment of an air traffic service, and any transitional arrangements; and</p> <p>(12) procedures regarding shift administration required by rule 172.61; and</p> <p>(13) details of the procedures required by rule 172.63 regarding the control of documentation; and</p> <p>(14) the contingency plan required by rule 172.65; and</p> <p>(15) details of the systems and procedures required by rule 172.67 regarding co-ordination requirements; and</p> <p>(16) details of the procedures required by rule 172.69 regarding the notification of facility status; and</p> <p>(17) details of the systems and procedures required by rule 172.71 regarding general information requirements; and</p> <p>(18) details of the systems and procedures required by rule 172.73 regarding meteorological information and reporting; and</p> <p>(19) details of systems and procedures required by rule 172.75 regarding the provision of area control and approach control services; and</p> <p>(20) details of systems and procedures required by rule 172.77 regarding the provision of aerodrome control service; and</p> <p>(21) details of systems and procedures required by rule 172.79 regarding the separation of controlled flights and active special use airspace; and</p> <p>(22) details of the procedures required by rule 172.81 regarding responsibility for control; and</p> <p>(23) details of the procedures required by rule 172.83 regarding the application of priorities; and</p> <p>(24) details of the procedures required by rule 172.85 regarding flow control; and</p> <p>(25) details of the procedures required by rule 172.87 regarding ATC clearances; and</p> <p>(26) details of the procedures required by rule 172.89 regarding the allocation of cruising levels; and</p> | <p>establishment of an air traffic service, and any transitional arrangements; and</p> <p>(11) procedures regarding shift administration required by rule 172.61; and</p> <p>(12) details of the procedures required by rule 172.63 regarding the control of documentation; and</p> <p>(13) the contingency plan required by rule 172.65; and</p> <p>(14) details of the systems and procedures required by rule 172.67 regarding co-ordination requirements; and</p> <p>(15) details of the procedures required by rule 172.69 regarding the notification of facility status; and</p> <p>(16) details of the systems and procedures required by rule 172.71 regarding general information requirements; and</p> <p>(17) details of the systems and procedures required by rule 172.73 regarding meteorological information and reporting; and</p> <p>(18) details of systems and procedures required by rule 172.75 regarding the provision of area control and approach control services; and</p> <p>(19) details of systems and procedures required by rule 172.77 regarding the provision of aerodrome control service; and</p> <p>(20) details of systems and procedures required by rule 172.79 regarding the separation of controlled flights and active special use airspace; and</p> <p>(21) details of the procedures required by rule 172.81 regarding responsibility for control; and</p> <p>(22) details of the procedures required by rule 172.83 regarding the application of priorities; and</p> <p>(23) details of the procedures required by rule 172.85 regarding flow control; and</p> <p>(24) details of the procedures required by rule 172.87 regarding ATC clearances; and</p> <p>(25) details of the procedures required by rule 172.89 regarding the allocation of cruising levels; and</p> |
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| <p>(27) details of the procedures required by rule 172.91 regarding deviations from an ATC clearance; and</p> <p>(28) details of systems and procedures required by rule 172.93 regarding the provision of flight information service; and</p> <p>(29) details of systems and procedures required by rule 172.95 regarding the provision of aerodrome flight information service; and</p> <p>(30) details of systems and procedures required by rule 172.97 regarding the provision of alerting service; and</p> <p>(31) details of the procedures required by rule 172.99 regarding the processing of flight plans; and</p> <p>(32) details of the procedures required by rule 172.101 regarding time; and</p> <p>(33) details of altimeter setting procedures required by rule 172.103; and</p> <p>(34) details of the radio and telephone procedures required by rule 172.105; and</p> <p>(35) details of the procedures required by rule 172.107 regarding the provision of radar services; and</p> <p>(36) details of the procedures required by rule 172.109 regarding aircraft emergencies and irregular operation; and</p> <p>(37) details required by rule 172.111 regarding procedures following a serious incident or accident; and</p> <p>(38) details of the procedures required by rule 172.113 regarding incidents; and</p> <p>(39) details of systems and procedures required by rule 172.115 regarding the gathering and management of records; and</p> <p>(40) details of the procedures required by rule 172.117 regarding the keeping of logbooks and position logs; and</p> <p>(41) details of the programme required by rule 172.119 regarding security arrangements; and</p> <p>(42) details of the procedures required by rule 172.121 regarding disruptions to service;</p> | <p>(26) details of the procedures required by rule 172.91 regarding deviations from an ATC clearance; and</p> <p>(27) details of systems and procedures required by rule 172.93 regarding the provision of flight information service; and</p> <p>(28) details of systems and procedures required by rule 172.95 regarding the provision of aerodrome flight information service; and</p> <p>(29) details of systems and procedures required by rule 172.97 regarding the provision of alerting service; and</p> <p>(30) details of the procedures required by rule 172.99 regarding the processing of flight plans; and</p> <p>(31) details of the procedures required by rule 172.101 regarding time; and</p> <p>(32) details of altimeter setting procedures required by rule 172.103; and</p> <p>(33) details of the radio and telephone procedures required by rule 172.105; and</p> <p>(34) details of the procedures required by rule 172.107 regarding the provision of radar services; and</p> <p>(35) details of the procedures required by rule 172.109 regarding aircraft emergencies and irregular operation; and</p> <p>(36) details required by rule 172.111 regarding procedures following a serious incident or accident; and</p> <p>(37) details of the procedures required by rule 172.113 regarding incidents; and</p> <p>(38) details of systems and procedures required by rule 172.115 regarding the gathering and management of records; and</p> <p>(39) details of the procedures required by rule 172.117 regarding the keeping of logbooks and position logs; and</p> <p>(40) details of the programme required by rule 172.119 regarding security arrangements; and</p> <p>(41) details of the procedures required by rule 172.121 regarding disruptions to service;</p> |
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and

(43) details of the systems, procedures, and programmes required by rule 172.123 regarding internal quality assurance; and

(44) procedures to control, amend and distribute the exposition.

(b) The applicant's exposition must be acceptable to the Director.

### Subpart C — Operating Requirements

#### 172.161 Changes to certificate holder's organisation

(a) A holder of an air traffic service certificate must ensure that the holder's exposition is amended so as to remain a current description of the holder's organisation and services.

(b) The holder of an air traffic service certificate must ensure that any amendment made to the holder's exposition—

(1) meets the applicable requirements of this Part; and

(2) complies with the amendment procedures contained in the holder's exposition.

(c) The holder of an air traffic service certificate must provide the Director with a copy of each amendment to the holder's exposition as soon as practicable after its incorporation into the exposition, except that, for the holder's operational manual or manuals, the holder must forward to the Director—

(1) a copy of each amendment, at least 15 working days in advance of the effective date; and

(2) an amendment of an urgent or immediate nature, without delay, and no later than the date on which it is effective.

(d) If the holder of an air traffic service certificate proposes to make a change to any of the following, prior notification to and acceptance by the Director is required—

and

(42) procedures to control, amend and distribute the exposition.

(b) The exposition must remain acceptable to the Director.

### Subpart C — Operating Requirements

#### 172.161 Changes to certificate holder's organisation

(a) A holder of an air traffic service certificate must—

(1) ensure that the exposition is amended so that it remains a current description of the holder's organisation; and

(2) ensure that any amendment made to the exposition—

(i) is compliant with the Civil Aviation Rules; and

(ii) complies with the amendment procedures contained in the exposition; and

(3) provide the Director with a copy of each amendment to the exposition—

(i) as soon as practicable after the amendment has been incorporated into the exposition; and

(ii) in a format that may be specified by the Director from time to time; and

(4) make such amendments to the exposition as the Director considers necessary in the interests of safety.

(b) Before a holder of an air traffic service certificate changes any of the following, prior acceptance by the Director is required:

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| <p>(1) the <b>Chief Executive</b>; or</p> <p>(2) the <b>listed</b> senior persons; or</p> <p>(3) any aspect of air traffic management that may have an adverse impact on air traffic services provided by a State responsible for adjacent airspace.</p> <p>(e) The Director may <b>specify</b> conditions under which the holder of an air traffic service certificate <b>may</b> operate during or following any <b>of the changes specified in paragraph (d)</b>.</p> <p>(f) The holder of an air traffic service certificate must comply with any condition <b>specified</b> under paragraph (e).</p> <p>(g) If any <b>of the changes referred to in this rule</b> require an amendment to the certificate, the <b>holder of the air traffic service certificate</b> must forward the certificate to the Director as soon as practicable.</p> <p>(h) <b>The holder of an air traffic service certificate must</b> make amendments to the <b>holder's</b> exposition as the Director considers necessary in the interests of aviation safety.</p> | <p>(1) the <b>chief executive</b>:</p> <p>(2) the <b>title or name of any senior person referred to in rule 172.51(a)(2)</b>:</p> <p>(3) <b>the system for safety management, if the change is a material change</b>:</p> <p>(4) any aspect of air traffic management that may have an adverse impact on air traffic services provided by a State responsible for adjacent airspace.</p> <p>(c) <b>To avoid doubt, a holder of an air traffic service certificate must comply with paragraph (a) when making a change referred to in paragraph (b).</b></p> <p>(d) The Director may <b>impose</b> conditions under which the holder of the air traffic service certificate <b>must</b> operate during or following any <b>change</b>.</p> <p>(e) The holder of an air traffic service certificate must comply with any condition <b>imposed</b> under paragraph (d).</p> <p>(f) If any <b>change</b> requires an amendment to the certificate, <b>the certificate holder</b> must forward the certificate to the Director <b>for endorsement of the change</b> as soon as practicable.</p> |
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**Subpart H Transitional Provisions****172.451 Transition for air traffic service certificate holders and applicants**

- (a) **This rule applies to each—**
- (1) **air traffic service certificate holder;**
  - (2) **air traffic service certificate applicant.**
- (b) **Before [date that is 1 year after the date this rule comes into force], an organisation to which this rule applies—**
- (1) **is not required to comply with—**
    - (i) **rule 172.51(a)(2)(ii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;**

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- (ii) rule 172.123, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 172.453:
- (iii) rule 172.125(a)(2):
- (iv) rule 172.125(a)(4)(ii):
- (v) rule 172.125(a)(8); but
- (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 1 year from rule effective date] the system for safety management required under rule 172.123.
- (c) Each organisation that relies on paragraph (b) must submit the required implementation plan—
  - (1) before [date that is 6 months after the rule comes into effect], if the organisation is an air traffic service certificate holder; or
  - (2) together with the organisation's application for an air service traffic certificate, if the organisation is an air traffic service certificate applicant.
- (d) For the purpose of rule 172.161(b)(3), transitioning from an internal quality assurance system to the system for safety management required by rule 172.123 is deemed to be a material change to the system for safety management.
- (e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 1 year after this rule comes into force]—
  - (1) rule 172.51(a)(2)(ii):
  - (2) rule 172.123:
  - (3) rule 172.125(a)(2):
  - (4) rule 172.125(a)(4)(ii):
  - (5) rule 172.125(a)(8).
- (f) This rule expires on [date that is 1 year after rule effective date].

**172.453 Transitional internal quality assurance for air traffic service certificate**

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(a) The internal quality assurance system required by rule 172.451(b)(1)(ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.

(b) The internal quality assurance system must include—

(1) a safety policy and safety policy procedures; and

(2) a procedure to ensure quality indicators, including samples of radio and telephone records, defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and

(3) a procedure for corrective action to ensure existing problems that have been identified within the system are corrected; and

(4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and

(5) an internal audit programme to audit the applicant's organisation for conformity with its safety policy; and

(6) management review procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.

(c) The safety policy procedures must ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.

(d) The procedure for corrective action must specify how—

(1) to correct an existing problem; and

(2) to follow up a corrective action to ensure the action is effective; and

(3) to amend any procedure required by this Part as a result of a corrective action; and

(4) management will measure the effectiveness of any corrective action taken.

(e) The procedure for preventive action must specify how—

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- (1) to correct a potential problem; and
  - (2) to follow-up a preventive action to ensure the action is effective; and
  - (3) to amend any procedure required by this Part as a result of a preventive action; and
  - (4) management will measure the effectiveness of any preventive action taken.
- (f) The internal quality audit programme must—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review must—
- (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the manager who is responsible for the review of the quality assurance system; and
  - (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting the safe provision of any air traffic service listed in the exposition.
- (i) This rule expires on [date that is 1 year after rule effective date].

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

#### **173.51 Personnel requirements**

- (a) An applicant for the grant of an instrument flight procedure service certificate must employ, contract, or otherwise engage—
- (1) a senior person identified as the **Chief Executive** who **must**—
    - (i) **have** the authority within the **applicant's** organisation to ensure that **the organisation's instrument flight procedure services** can be financed and provided in accordance with **the requirements and standards prescribed by** this Part; and
    - (ii) **be** responsible for ensuring that the organisation complies with **the requirements of** this Part; and
  - (2) a senior person or persons, **responsible** to the **Chief Executive** for—
    - (i) ensuring that the applicant's organisation complies with **the organisation's** exposition; and
    - (ii) the certification of every instrument flight procedure provided by the applicant's organisation for entry into the NZANR under Part 95 and made available for publication and operational use; and
  - (3) sufficient personnel to plan, design, verify, and maintain the instrument flight procedures provided by the applicant's organisation.
- (b) An applicant for the grant of an instrument flight procedure service certificate must establish **a procedure** for initially assessing, training, and maintaining, the competence of—
- (1) those personnel involved in the planning, design, verification, and maintenance of instrument flight procedures; and
  - (2) those senior personnel who are authorised to certify instrument flight procedures.
- (c) The senior person or persons responsible for the certification of instrument flight procedures must be authorised in accordance with rule 173.57 to certify the procedures.

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

#### **173.51 Personnel requirements**

- (a) An applicant for the grant of an instrument flight procedure service certificate must employ, contract, or otherwise engage—
- (1) a senior person identified as the **chief executive** who—
    - (i) **has** the authority within the organisation to ensure that **every activity undertaken by the organisation under the authority of the certificate** can be financed and carried out in accordance with this Part; and
    - (ii) **is** responsible for ensuring that the organisation complies with this Part; and
  - (2) a senior person or persons **accountable** to the **chief executive who are responsible for**—
    - (i) ensuring that the organisation complies with **the** exposition; and
    - (ii) the certification of every instrument flight procedure provided by the applicant's organisation for entry into the NZANR under Part 95 and made available for publication and operational use; and
    - (iii) **the system for safety management required under rule 173.69**; and
  - (3) sufficient personnel to plan, design, verify, and maintain the instrument flight procedures provided by the applicant's organisation.
- (b) An applicant for the grant of an instrument flight procedure service certificate must establish **procedures** for initially assessing, training, and **for** maintaining the competence of—
- (1) those personnel involved in the planning, design, verification, and maintenance of instrument flight procedures; and
  - (2) those senior personnel who are authorised to certify instrument flight procedures.
- (c) The senior person or persons responsible for the certification of instrument flight procedures must be authorised in accordance with rule 173.57 to certify the procedures.

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(d) The qualifications and experience for a senior person required by paragraph (a)(2) are specified in Appendix A.

### 173.67 Management of records

(a) An applicant for the grant of an instrument flight procedure service certificate must establish a procedure for the management of records that are required for the applicant organisation's functions relating to the design, certification and maintenance of instrument flight procedures.

(b) The management of records under paragraph (a) includes the identification, collection, indexing, storage, safekeeping, accessibility, maintenance and disposal of records.

(c) The procedure required by paragraph (a) must provide for the following to be recorded for every instrument flight procedure that is certified in accordance with rule 173.59 and every instrument flight procedure that is maintained in accordance with rule 173.63—

- (1) the details required by rule 173.61(c) for the instrument flight procedure; and
- (2) details of the instrument procedure design carried out in accordance with rule 173.55, including but not limited to design verification, amendment, validation, justification for not validating, and certification activities; and
- (3) details of the promulgation and checking activities; and
- (4) details of any actions taken under rule 173.65 regarding errors and non-conformances in an instrument flight procedure; and
- (5) details of every maintenance review and flight validation carried out, in accordance with the procedures required by rule 173.63.

(d) The procedure required by paragraph (a) must also provide for the following—

- (1) a record, that includes details of the qualifications, experience, training, assessments, and authorisations if applicable, for—
  - (i) every senior person required by rule 173.51(a)(2); and
  - (ii) personnel required by rule 173.51(a)(3); and
- (2) a record of every internal safety management review carried out under rule 173.69; and

(d) The qualifications and experience for the senior persons referred to in paragraph (a)(2) are specified in Appendix A.

### 173.67 Management of records

(a) An applicant for the grant of an instrument flight procedure service certificate must establish a procedure for the management of records that are required for the applicant organisation's functions relating to the design, certification and maintenance of instrument flight procedures.

(b) The management of records under paragraph (a) includes the identification, collection, indexing, storage, safekeeping, accessibility, maintenance and disposal of records.

(c) The procedure required by paragraph (a) must provide for the following to be recorded for every instrument flight procedure that is certified in accordance with rule 173.59 and every instrument flight procedure that is maintained in accordance with rule 173.63—

- (1) the details required by rule 173.61(c) for the instrument flight procedure; and
- (2) details of the instrument procedure design carried out in accordance with rule 173.55, including but not limited to design verification, amendment, validation, justification for not validating, and certification activities; and
- (3) details of the promulgation and checking activities; and
- (4) details of any actions taken under rule 173.65 regarding errors and non-conformances in an instrument flight procedure; and
- (5) details of every maintenance review and flight validation carried out, in accordance with the procedures required by rule 173.63.

(d) The procedure required by paragraph (a) must also provide for the following—

- (1) a record, that includes details of the qualifications, experience, training, assessments, and authorisations if applicable, for—
  - (i) every senior person required by rule 173.51(a)(2); and
  - (ii) personnel required by rule 173.51(a)(3); and
- (2) a record of every management review carried out under rule 173.69; and

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- (3) the records required by paragraphs (c) and (d) to be legible, accurate, permanent, and retrievable in a legible format; and
- (4) the records required by paragraph (c) to be retained for at least 5 years after the associated instrument flight procedure is withdrawn from use.

**173.69 Safety management system requirements**

(a) An applicant for the grant of an instrument flight procedure service certificate must establish a **safety management system for ensuring compliance with, and the adequacy of, the procedures required by this Part.**

(b) The safety management system must include—

- (1) a safety policy incorporating the development of a safety culture and safety procedures, including a procedure for reporting and investigating an occurrence conducted in accordance with Part 12; and
- (2) a procedure for establishing and monitoring safety indicators; and
- (3) a procedure for identifying an existing or potential problem within the organisation's systems and processes; and
- (4) a procedure for controlling and mitigating risks within the organisation that may affect the integrity of instrument flight procedures; and
- (5) a procedure for corrective action to ensure that an identified problem is investigated and analysed, and the cause of the problem is remedied; and
- (6) a procedure for preventive action to ensure that a cause of an identified potential problem is remedied; and
- (7) an internal audit programme to audit the applicant's organisation for conformity with its exposition, safety policy, and procedures; and
- (8) a management review procedure that may, if appropriate, include the use of statistical analysis ensuring the continuing suitability and effectiveness of the safety management system in satisfying the requirements of this Part; and
- (9) a safety management manual documenting the operation of the safety management system and providing relevant information on the risks and how they are managed (including the procedures required in paragraphs (b)(1) to (b)(8)), and a register of

- (3) the records required by paragraphs (c) and (d) to be legible, accurate, permanent, and retrievable in a legible format; and
- (4) the records required by paragraph (c) to be retained for at least 5 years after the associated instrument flight procedure is withdrawn from use.

**173.69 Safety management**

An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

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significant hazards for the organisation and how those hazards are controlled.

(c) The safety management procedures must include a means for ensuring that the safety policy is understood, implemented and maintained at every level within the applicant's organisation.

(d) The procedure required by paragraph (b)(5) for corrective action must provide for the following—

- (1) how to correct an existing problem; and
- (2) how to ascertain whether or not the problem has affected or potentially affected the integrity of any instrument flight procedure; and
- (3) how to follow up a corrective action to ensure that the action is effective; and
- (4) how to amend any procedure that is required by this Part as a result of a corrective action; and
- (5) how management is to measure the effectiveness of any corrective action taken.

(e) The procedure required by paragraph (b)(6) for preventive action must provide for the following—

- (1) how to correct a potential problem; and
- (2) how to ascertain what other effects the cause of an identified potential problem may have; and
- (3) how to follow up a preventive action to ensure the action is effective; and
- (4) how to amend any procedure, required by this Part, as a result of a preventive action; and
- (5) how management measures the effectiveness of any preventive action taken.

(f) The internal audit programme required by paragraph (b)(7) must—

- (1) specify the frequency and location of the audits, taking into account the nature of the activity to be audited; and
- (2) require audits to be performed by trained personnel who are independent of those

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with direct responsibility for the activity being audited; and

- (3) require the results of audits to be reported to the personnel responsible for the activity being audited and to the manager responsible for internal audits; and
  - (4) measure the effectiveness of any preventive or corrective action taken by the personnel responsible for the activity being audited since the last audit; and
  - (5) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (6) provide for follow-up audits to be undertaken to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review required by paragraph (b)(8) must—
- (1) specify the frequency of management reviews of the safety management system, taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the senior person responsible for the management review; and
  - (3) require the results of the review to be evaluated and recorded.
- (h) The senior person who is responsible for the safety management system must have direct access to the Chief Executive on matters affecting the integrity of any instrument flight procedure for which the organisation is responsible.

**173.71 Exposition requirements**

- (a) An applicant for the grant of an instrument flight procedure service certificate must provide the Director with an exposition **that must contain**—
- (1) a statement signed by the **Chief Executive** on behalf of the **applicant's** organisation confirming that the exposition and any included **documentation**—
    - (i) define the organisation and demonstrate its means and methods for ensuring ongoing compliance with **this Part**; and
    - (ii) are required to be complied with by the organisation's personnel at all times; and

**173.71 Instrument flight procedure service organisation exposition**

- (a) An applicant for the grant of an instrument flight procedure service certificate must provide the Director with an exposition, **in a format that may be specified by the Director from time to time, which contains**—
- (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 **the Civil Aviation Rules**; and
    - (ii) are required to be complied with by the organisation's personnel at all times; and

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| <p>(2) the titles and names of the senior person or persons <b>required by</b> rule 173.51(a)(2); and</p> <p>(3) details of the duties and responsibilities of the senior person or persons referred to in <b>paragraph (2)</b> including matters for which they have responsibility to deal directly with the Director on behalf of the organisation; and</p> <p>(4) if there is more than one senior person listed under paragraph <b>(2)</b>, an organisation chart showing the lines of responsibility of those persons; and</p> <p>(5) the name of every senior person who is authorised in accordance with rule 173.57 to certify instrument flight procedures; and</p> <p>(6) details of the scope of the authorisation issued to every person listed under paragraph <b>(5)</b>; and</p> <p>(7) a list of the types of instrument flight procedure to be designed, certified, or maintained by the applicant's organisation; and</p> <p>(8) details of the applicant's means of meeting the requirements of rule 173.53(a) regarding—</p> <p style="margin-left: 20px;">(i) equipment; and</p> <p style="margin-left: 20px;">(ii) access to relevant and current data; and</p> | <p>(2) <b>in relation to the system for safety management required by rule 173.69,—</b></p> <p style="margin-left: 20px;">(i) <b>all of the documentation required by rule 100.3(b); and</b></p> <p style="margin-left: 20px;">(ii) <b>for an applicant that is not applying for a renewal of an instrument flight procedure service certificate, an implementation plan that describes how the system for safety management will be implemented; and</b></p> <p>(3) the titles and names of the senior person or persons <b>referred to in</b> rule 173.51(a)(2); and</p> <p>(4) details of the duties and responsibilities of the senior persons referred to in <b>rules 173.51(a)(1) and (2)</b> including—</p> <p style="margin-left: 20px;">(i) <b>matters for which they have responsibility to deal directly with the Director or the Authority</b> on behalf of the organisation; and</p> <p style="margin-left: 20px;">(ii) <b>responsibilities for safety management; and</b></p> <p>(5) if there is more than one senior person listed under paragraph <b>(3)</b>, an organisation chart showing the lines of responsibility of those persons; and</p> <p>(6) <b>a summary of the lines of safety responsibility and accountability within the organisation, including the direct safety accountabilities of staff to the chief executive; and</b></p> <p>(7) the name of every senior person who is authorised in accordance with rule 173.57 to certify instrument flight procedures; and</p> <p>(8) details of the scope of the authorisation issued to every person listed under paragraph <b>(7)</b>; and</p> <p>(9) a list of the types of instrument flight procedure to be designed, certified, or maintained by the applicant's organisation; and</p> <p>(10) details of the applicant's means of meeting the requirements of rule 173.53(a) regarding—</p> <p style="margin-left: 20px;">(i) equipment; and</p> <p style="margin-left: 20px;">(ii) access to relevant and current data; and</p> |
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| <ul style="list-style-type: none"> <li>(iii) access to copies of relevant documentation; and</li> <li>(9) details of the applicant’s means of meeting the requirements of rule 173.53(b) regarding instrument flight procedures not requiring flight validation; and</li> <li>(10) details of the applicant’s procedures as required by— <ul style="list-style-type: none"> <li>(i) rule 173.51(b) regarding assessment and competence of personnel; and</li> <li>(ii) rule 173.53(b)(1) regarding access to data; and</li> <li>(iii) rule 173.53(b)(2) regarding currency and accuracy of data; and</li> <li>(iv) rule 173.53(c) regarding control of documentation; and</li> <li>(v) rule 173.55(a) regarding design, verification and flight validation of instrument flight procedures; and</li> <li>(vi) rule 173.55(c) regarding flight validation of instrument flight procedures; and</li> <li>(vii) rule 173.55(e) regarding the justification for instrument flight procedures not requiring flight validation; and</li> <li>(viii) rule 173.55(f) or (g) regarding the compliance with standards; and</li> <li>(ix) rule 173.57 regarding authorisation of senior persons; and</li> <li>(x) rule 173.59 regarding certification of instrument flight procedures; and</li> <li>(xi) rule 173.61 regarding promulgation of instrument flight procedures and the means to provide details of each procedure to the Director; and</li> <li>(xii) rule 173.63 regarding maintenance of instrument flight procedures; and</li> <li>(xiii) rule 173.65 regarding errors in published instrument flight procedures; and</li> <li>(xiv) rule 173.67 regarding management of records; and</li> <li>(xv) rule 173.69 regarding <b>safety management system</b>; and</li> </ul> </li> <li>(11) procedures <b>for controlling, amending, and distributing</b> the exposition.</li> </ul> | <ul style="list-style-type: none"> <li>(iii) access to copies of relevant documentation; and</li> <li>(11) details of the applicant’s means of meeting the requirements of rule 173.53(b) regarding instrument flight procedures not requiring flight validation; and</li> <li>(12) details of the applicant’s procedures as required by— <ul style="list-style-type: none"> <li>(i) rule 173.51(b) regarding assessment and competence of personnel; and</li> <li>(ii) rule 173.53(b)(1) regarding access to data; and</li> <li>(iii) rule 173.53(b)(2) regarding currency and accuracy of data; and</li> <li>(iv) rule 173.53(c) regarding control of documentation; and</li> <li>(v) rule 173.55(a) regarding design, verification and flight validation of instrument flight procedures; and</li> <li>(vi) rule 173.55(c) regarding flight validation of instrument flight procedures; and</li> <li>(vii) rule 173.55(e) regarding the justification for instrument flight procedures not requiring flight validation; and</li> <li>(viii) rule 173.55(f) or (g) regarding the compliance with standards; and</li> <li>(ix) rule 173.57 regarding authorisation of senior persons; and</li> <li>(x) rule 173.59 regarding certification of instrument flight procedures; and</li> <li>(xi) rule 173.61 regarding promulgation of instrument flight procedures and the means to provide details of each procedure to the Director; and</li> <li>(xii) rule 173.63 regarding maintenance of instrument flight procedures; and</li> <li>(xiii) rule 173.65 regarding errors in published instrument flight procedures; and</li> <li>(xiv) rule 173.67 regarding management of records; and</li> </ul> </li> <li>(13) procedures to <b>control, amend, and distribute</b> the exposition.</li> </ul> |
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(b) The exposition **required by paragraph (a)** must remain acceptable to the Director.

### Subpart C — Operating Requirements

#### 173.103 Changes to certificate holder's organisation

- (a) The holder of an instrument flight procedure service certificate must—
- (1) **subject to paragraph (b)**, ensure that the organisation's exposition is amended so **as to remain** a current description of the certificate holder's organisation; and
  - (2) ensure that any amendment made to the exposition **meets the applicable requirements of this Part**; and
  - (3) **comply** with the exposition amendment procedures contained in the exposition; and
  - (4) provide the Director with a copy of each amendment **that the certificate holder makes** to the exposition as soon as practicable after the amendment **is** incorporated into the exposition; and
  - (5) **amend** the exposition as the Director considers necessary in the interests of aviation safety.
- (b) If **the** holder of an instrument flight procedure service certificate **changes, or proposes to change**, any of the following, **the certificate holder must notify the Director prior to the change or as soon as practicable if prior notification is not possible, and the change must be accepted by the Director, including applicable fit and proper person criteria under section 10 of the Act, before being incorporated into the certificate holder's exposition:**
- (1) **the person identified as** the chief executive;
  - (2) the title or name of any senior person specified in the exposition **required by** rule 173.71(a)(2);
  - (3) the types of instrument flight procedure specified on the **certificate** holder's certificate.

(b) The exposition must remain acceptable to the Director.

### Subpart C — Operating Requirements

#### 173.103 Changes to certificate holder's organisation

- (a) **A** holder of an instrument flight procedure service certificate must—
- (1) ensure that the exposition is amended so **that it remains** a current description of the holder's organisation; and
  - (2) ensure that any amendment made to the exposition—
    - (i) **is compliant with the Civil Aviation Rules**; and
    - (ii) **complies** with the amendment procedures contained in the exposition; and
  - (3) provide the Director with a copy of each amendment to the exposition—
    - (i) as soon as practicable after the amendment **is** incorporated into the exposition; and
    - (ii) **in a format that may be specified by the Director from time to time**; and
  - (4) **make such amendments to** the exposition as the Director considers necessary in the interests of aviation safety.
- (b) Before **a** holder of an instrument flight procedure service certificate **changes** any of the following, prior **acceptance by the Director is required:**
- (1) the chief executive;
  - (2) the title or name of any senior person specified in the exposition **referred to in** rule 173.71(a)(2);
  - (3) the types of instrument flight procedure specified on the holder's certificate;

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(c) The Director may impose conditions under which the holder of the instrument flight procedure certificate **may** operate during or following any **of the changes specified in paragraph (b)**.

(d) The holder of an instrument flight procedure certificate must comply with any condition imposed by the Director under paragraph (c).

(e) If any **of the changes under paragraph (b)** require an amendment to the instrument flight procedure certificate, the **holder of the certificate** must forward the certificate to the Director as soon as practicable for endorsement of the **amendment**.

### Subpart E — Transition

#### 173.301 Transition

This Part does not apply to a person who holds a delegation made by the Director under section 23B of the Act for any of the Director's functions prescribed in rule 19.155 until 23 October 2009.

(4) **the system for safety management, if the change is a material change.**

(c) **To avoid doubt, a holder of an instrument flight procedure certificate must comply with paragraph (a) when making a change referred to in paragraph (b).**

(d) The Director may impose conditions under which the holder of the instrument flight procedure certificate **must** operate during or following any **change**.

(e) The holder of an instrument flight procedure certificate must comply with any condition imposed under paragraph (d).

(f) If any change requires an amendment to the instrument flight procedure certificate, the **certificate holder** must forward the certificate to the Director for endorsement of the **change** as soon as practicable.

### Subpart E — Transition Provisions

#### 173.301 Transition for instrument flight procedure service certificate holders and applicants

(a) **This rule applies to each—**

- (1) **instrument flight procedure service certificate holder;**
- (2) **instrument flight procedure service certificate applicant.**

(b) **Before [date that is 1 year after the date this rule comes into force, an organisation to which this rule applies—**

(1) **is not required to comply with—**

- (i) **rule 173.51(a)(2)(iii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for the safety management system.**
- (ii) **rule 173.69, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established a safety management system that complies with rule 173.303;**
- (iii) **rule 173.71(a)(2);**

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- (iv) rule 173.71(a)(4)(ii):
- (v) rule 173.71(a)(6); but
- (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 1 year from rule effective date] the system for safety management required under rule 173.69.
- (c) Each organisation that relies on paragraph (b) must submit the required implementation plan—
  - (1) before [date that is 6 months after the rule comes into effect], if the organisation is an instrument flight procedure service certificate holder; or
  - (2) together with the organisation's application for an instrument flight procedure service certificate, if the organisation is an instrument flight procedure service certificate applicant.
- (d) For the purpose of rule 173.103(b)(4), transitioning from a system management system to the system for safety management required by rule 173.69 is deemed to be a material change to the system for safety management.
- (e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 1 year after this rule comes into force]—
  - (1) rule 173.51(a)(2)(iii):
  - (2) rule 173.69:
  - (3) rule 173.71(a)(2):
  - (4) rule 173.71(a)(4)(ii):
  - (5) rule 173.71(a)(6).
- (f) This rule expires on [date that is 1 year after rule effective date].

**173.303 Transitional safety management system for instrument flight procedure service certificate holders and applicants**

- (a) The safety management system required by rule 173.301(b)(1)(ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by

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this Part.

- (b) The safety management system must include—
- (1) a safety policy incorporating the development of a safety culture and safety procedures, including a procedure for reporting and investigating an occurrence conducted in accordance with Part 12; and
  - (2) a procedure for establishing and monitoring safety indicators; and
  - (3) a procedure for identifying an existing or potential problem within the organisation's systems and processes; and
  - (4) a procedure for controlling and mitigating risks within the organisation that may affect the integrity of instrument flight procedures; and
  - (5) a procedure for corrective action to ensure that an identified problem is investigated and analysed, and the cause of the problem is remedied; and
  - (6) a procedure for preventive action to ensure that a cause of an identified potential problem is remedied; and
  - (7) an internal audit programme to audit the applicant's organisation for conformity with its exposition, safety policy, and procedures; and
  - (8) a management review procedure that may, if appropriate, include the use of statistical analysis ensuring the continuing suitability and effectiveness of the safety management system in satisfying the requirements of this Part; and
  - (9) a safety management manual documenting the operation of the safety management system and providing relevant information on the risks and how they are managed (including the procedures required in paragraphs (b)(1) to (b)(8), and a register of significant hazards for the organisation and how those hazards are controlled.
- (c) The safety management procedures must include a means for ensuring that the safety policy is understood, implemented, and maintained at all levels of the organisation.
- (d) The procedure required by paragraph (b)(5) for corrective action must provide for the following—
- (1) how to correct an existing problem; and
  - (2) how to ascertain whether or not the problem has affected or potentially affected

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- the integrity of any instrument flight procedure; and
  - (3) how to follow up a corrective action to ensure that the action is effective; and
  - (4) how to amend any procedure that is required by this Part as a result of a corrective action; and
  - (5) how management is to measure the effectiveness of any corrective action taken.
- (e) The procedure required by paragraph (b)(6) for preventive action must provide for the following—
- (1) how to correct a potential problem; and
  - (2) how to ascertain what other effects the cause of an identified potential problem may have; and
  - (3) how to follow up a preventive action to ensure the action is effective; and
  - (4) how to amend any procedure, required by this Part, as a result of a preventive action; and
  - (5) how management measures the effectiveness of any preventive action taken.
- (f) The internal audit programme required by paragraph (b)(7) must—
- (1) specify the frequency and location of the audits, taking into account the nature of the activity to be audited; and
  - (2) require audits to be performed by trained personnel who are independent of those with direct responsibility for the activity being audited; and
  - (3) require the results of audits to be reported to the personnel responsible for the activity being audited and to the manager responsible for internal audits; and
  - (4) measure the effectiveness of any preventive or corrective action taken by the personnel responsible for the activity being audited since the last audit; and
  - (5) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (6) provide for follow-up audits to be undertaken to review the effectiveness of any

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preventive or corrective action taken.

- (g) The procedure for management review required by paragraph (b)(8) must—
- (1) specify the frequency of management reviews of the safety management system, taking into account the need for the continuing effectiveness of the system; and
  - (2) identify the senior person responsible for the management review; and
  - (3) require the results of the review to be evaluated and recorded.
- (h) The senior person who is responsible for the safety management system must have direct access to the chief executive on matters affecting the integrity of any instrument flight procedure for which the organisation is responsible
- (i) This rule expires on [date that is 1 year after rule effective date].

**Appendix A — Qualifications and experience for senior person**

This appendix specifies the qualifications and experience for a senior person required by rule 173.51(a)(2).

**A.1 Senior person to certify instrument flight procedures**

- (a) **Training** — have successfully completed an ICAO PANS-OPS training course, or a training course accepted by the Director as an equivalent, for the design of instrument flight procedures.
- (b) **Experience in application of instrument flight procedures** — have at least 10 years experience in the application of instrument flight procedures through experience gained in air traffic control, as a flight crew member on IFR operations, in operational control of IFR operations, or other experience accepted by the Director as equivalent.
- (c) **Experience in design of instrument flight procedures** — at least 2 years experience designing instrument flight procedures which must include—
- (1) under supervision by a procedure designer whose qualifications are accepted by the Director, the design of at least 3 instrument flight procedures of the type that the person is to be authorised to certify; or
  - (2) for a new instrument flight procedure type, experience accepted by the Director in

**Appendix A — Qualifications and experience for senior persons**

This appendix specifies the qualifications and experience for the senior persons referred to in rule 173.51(a)(2).

**A.1 Senior person to certify instrument flight procedures**

- (a) **Training** — have successfully completed an ICAO PANS-OPS training course, or a training course accepted by the Director as an equivalent, for the design of instrument flight procedures.
- (b) **Experience in application of instrument flight procedures** — have at least 10 years' experience in the application of instrument flight procedures through experience gained in air traffic control, as a flight crew member on IFR operations, in operational control of IFR operations, or other experience accepted by the Director as equivalent.
- (c) **Experience in design of instrument flight procedures** — at least 2 years' experience designing instrument flight procedures which must include—
- (1) under supervision by a procedure designer whose qualifications are accepted by the Director, the design of at least 3 instrument flight procedures of the type that the person is to be authorised to certify; or
  - (2) for a new instrument flight procedure type, experience accepted by the Director in

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designing or certifying similar instrument flight procedure types.

designing or certifying similar instrument flight procedure types.

**A.2 Senior person responsible for the system for safety management**

The senior person required by rule 173.51(a)(2)(iii) must be able to demonstrate knowledge and experience relevant to the management of safety systems and the activities of the certificate holder.

**Current Rules****Part 174 Aviation Meteorological Service Organisations – Certification****Proposed Rules****Subpart B — Certification Requirements****174.51 Personnel requirements**

(a) Each applicant for the grant of a meteorological service certificate shall engage, employ or contract:

- (1) A senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that each meteorological service listed in their exposition can be financed and carried out to meet the operational requirements, and in accordance with the requirements prescribed by this Part;
- (2) A senior person or group of senior persons who are responsible for ensuring that the applicant's 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, operate, supervise, inspect, and certify the meteorological offices and facilities and provide the meteorological services listed in the applicant's exposition.

(b) The applicant shall—

- (1) establish a procedure to assess the competence of those personnel who are authorised by the applicant to—
  - (i) place facilities listed in the applicant's exposition into operational service; and
  - (ii) supervise the production and release of meteorological information; and
- (2) establish a procedure to maintain the competence of those authorised personnel; and

**Subpart B — Certification Requirements****174.51 Personnel requirements**

(a) An applicant for the grant of a meteorological service certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who—
  - (i) has the authority within the organisation to ensure that every activity undertaken by the organisation under the authority of the certificate can be financed and carried out in accordance with this Part; and
  - (ii) is responsible for ensuring that the organisation complies with this Part; and
- (2) a senior person or persons accountable to the chief executive who are responsible for—
  - (i) ensuring that the organisation complies with its exposition; and
  - (ii) the system for safety management required under rule 174.77; and
- (3) sufficient personnel to plan, operate, supervise, inspect, and certify the meteorological offices and facilities and provide the meteorological services listed in the exposition.

(b) The senior person required by paragraph (a)(2)(ii) must be able to demonstrate knowledge and experience relevant to the management of safety systems and the activities of the certificate holder.

(c) The applicant must establish procedures for—

- (1) initially assessing, and for maintaining, the competence of those personnel who are authorised by the applicant to—
  - (i) place facilities listed in the applicant's exposition into operational service; and
  - (ii) supervise the production and release of meteorological information; and

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- (3) **provide** those authorised personnel with written evidence of the scope of their authorisation.

**174.75 Records**

(a) **Each** applicant for the grant of a meteorological service certificate **shall** establish procedures to identify, collect, index, store, maintain and dispose of the records that are necessary for the supply of the meteorological services listed in **their** exposition.

(b) The procedures **shall** ensure that—

- (1) there is a record of the input meteorological information obtained under the procedures required by 174.57; and
- (2) there is a record of all output meteorological information identified under 174.59; and
- (3) the records specified in paragraph (b)(1) and (2) are retained for a period of at least 60 days or for such longer period as may be required by the Director; and
- (4) there is a record for each meteorological office and facility listed in the applicant's exposition, in order to document the performance of each meteorological office and facility and to provide a traceable history of its maintenance, service and product quality, its periodic inspections, and the persons responsible for each of these activities; and
- (5) there is a record of the equipment and systems used for verification, inspection, testing and calibration under the procedures required by 174.65. The record shall provide a traceable history of the location, maintenance, and calibration checks for the equipment and systems; and
- (6) there is a record of each occurrence of erroneous meteorological information reported and of each malfunction detected under the procedures required by 174.73. The record shall detail the nature of the erroneous meteorological information or malfunction and the findings of the investigation and the follow-up corrective actions; and
- (7) there is a record of each internal **quality assurance** review of the applicant's organisation carried out under the procedures required by 174.77. The record shall detail the part or activity of the organisation that was reviewed, the findings of the review and any necessary follow-up corrective actions; and
- (8) there is a record for each person who is authorised by the applicant to supervise the production and release of meteorological information and for each person who

- (2) **providing** those authorised personnel with written evidence of the scope of their authorisation.

**174.75 Records**

(a) **An** applicant for the grant of a meteorological service certificate **must** establish procedures to identify, collect, index, store, maintain and dispose of the records that are necessary for the supply of the meteorological services listed in **the** exposition.

(b) The procedures **must** ensure that—

- (1) there is a record of the input meteorological information obtained under the procedures required by rule 174.57; and
- (2) there is a record of all output meteorological information identified under rule 174.59; and
- (3) the records specified in paragraph (b)(1) and (2) are retained for a period of at least 60 days or for such longer period as may be required by the Director; and
- (4) there is a record for each meteorological office and facility listed in the applicant's exposition, in order to document the performance of each meteorological office and facility and to provide a traceable history of its maintenance, service and product quality, its periodic inspections, and the persons responsible for each of these activities; and
- (5) there is a record of the equipment and systems used for verification, inspection, testing and calibration under the procedures required by rule 174.65. The record must provide a traceable history of the location, maintenance, and calibration checks for the equipment and systems; and
- (6) there is a record of each occurrence of erroneous meteorological information reported and of each malfunction detected under the procedures required by rule 174.73. The record must detail the nature of the erroneous meteorological information or malfunction and the findings of the investigation and the follow-up corrective actions; and
- (7) there is a record of each **internal audit and management** review of the applicant's organisation carried out under the procedures required by rule 174.77. The record must detail the part or activity of the organisation that was reviewed, the findings of the review and any necessary follow-up corrective actions; and
- (8) there is a record for each person who is authorised by the applicant to supervise the production and release of meteorological information and for each person who

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is authorised by the applicant to place facilities into operational service. The record shall include details of their experience, qualifications, training and current authorisations; and

- (9) all records are legible, and of a permanent nature; and
- (10) all records other than those required by paragraph (b)(1) and (2) are retained for at least one year, or for such longer period as may be required by the Director, in order to establish a history of the performance of the meteorological services.

**174.77 Quality assurance**

(a) Each applicant for the grant of a meteorological service certificate shall establish internal quality assurance procedures to ensure compliance with, and the adequacy of, the procedures and systems 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 the adequacy, accuracy and timeliness of meteorological information.

**174.79 Organisation exposition**

(a) An applicant for the grant of a meteorological service certificate shall provide the Director with an exposition which shall contain—

- (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) will be complied with at all times; and
- (2) the titles and names of the senior person or persons required by 174.51(a)(1) and (2); and

is authorised by the applicant to place facilities into operational service. The record must include details of their experience, qualifications, training and current authorisations; and

- (9) all records are legible, and of a permanent nature; and
- (10) all records other than those required by paragraph (b)(1) and (2) are retained for at least one year, or for such longer period as may be required by the Director, in order to establish a history of the performance of the meteorological services.

**174.77 Safety management**

An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

**174.79 Meteorological service organisation exposition**

(a) An applicant for the grant of a meteorological service certificate must provide the Director with an exposition, in a format that may be specified by the Director from time to time, which contains—

- (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 the Civil Aviation Rules; and
  - (ii) will be complied with at all times; and
- (2) in relation to the system for safety management required by rule 174.77,—
  - (i) all of the documentation required by rule 100.3(b); and
  - (ii) for an applicant that is not applying for a renewal of a meteorological service certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (3) the titles and names of the senior persons referred to in rules 174.51(a)(1) and (2); and

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| <p>(3) the duties and responsibilities of the senior person or persons <b>specified</b> in <b>paragraph (a)(2)</b> including matters for which they deal directly with the Director or the Authority on behalf of the organisation; and</p> <p>(4) an organisation chart showing lines of responsibility of the senior persons <b>specified in paragraph (a)(2)</b>; and</p> <p>(5) a summary of the applicant's staffing structure at each meteorological office listed under paragraph <b>(a)(7)(i)</b>; and</p> <p>(6) a list of the meteorological services to be covered by the certificate; and</p> <p>(7) a list providing—</p> <ul style="list-style-type: none"> <li>(i) the location of each meteorological office operated by the applicant; and</li> <li>(ii) the location of each facility operated by the applicant that provides meteorological information directly to the users; and</li> <li>(iii) the meteorological services provided by each of those meteorological offices and facilities; and</li> <li>(iv) the locations and airspace covered by such meteorological services; and</li> </ul> <p>(8) details of the applicant's output meteorological information identified under 174.59(a)(1) and the standards and formats for that information determined under 174.59(a)(2); and</p> <p>(9) details of the applicant's procedures and systems required by—</p> <ul style="list-style-type: none"> <li>(i) 174.51(b) regarding competence of personnel; and</li> <li>(ii) 174.53 regarding site requirements; and</li> <li>(iii) 174.55 regarding communication requirements; and</li> </ul> | <p>(4) the duties and responsibilities of the senior persons <b>referred to in rules 174.51(a)(1) and (2)</b> including—</p> <ul style="list-style-type: none"> <li>(i) matters for which they have a responsibility to deal directly with the Director or the Authority on behalf of the organisation; and</li> <li>(ii) <b>responsibilities for safety management</b>; and</li> </ul> <p>(5) an organisation chart showing lines of responsibility of the senior persons referred to in <b>rules 174.51(a)(1) and (2)</b>; and</p> <p>(6) a summary of the applicant's staffing structure at each meteorological office listed under paragraph <b>(a)(9)(i)</b>; and</p> <p>(7) <b>a summary of the lines of safety responsibility within the organisation including the direct safety accountabilities of staff to the chief executive</b>; and</p> <p>(8) a list of the meteorological services to be covered by the certificate; and</p> <p>(9) a list providing—</p> <ul style="list-style-type: none"> <li>(i) the location of each meteorological office operated by the applicant; and</li> <li>(ii) the location of each facility operated by the applicant that provides meteorological information directly to the users; and</li> <li>(iii) the meteorological services provided by each of those meteorological offices and facilities; and</li> <li>(iv) the locations and airspace covered by such meteorological services; and</li> </ul> <p>(10) details of the applicant's output meteorological information identified under rule 174.59(a)(1) and the standards and formats for that information determined under rule 174.59(a)(2); and</p> <p>(11) details of the applicant's procedures and systems required by—</p> <ul style="list-style-type: none"> <li>(i) <b>rule 174.51(c)</b> regarding competence of personnel; and</li> <li>(ii) <b>rule 174.53</b> regarding site requirements; and</li> <li>(iii) <b>rule 174.55</b> regarding communication requirements; and</li> </ul> |
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- (iv) 174.57 regarding meteorological service input requirements; and
- (v) 174.59 regarding meteorological service output requirements; and
- (vi) 174.61 regarding facility requirements; and
- (vii) 174.63 (b) regarding control of documentation; and
- (viii) 174.65 regarding verifications, inspections, tests and calibrations; and
- (ix) 174.67 regarding release of meteorological information and the placing of facilities into operational service; and
- (x) 174.69 regarding notification of meteorological office and facility status; and
- (xi) 174.71 regarding meteorological information checks after notification of an accident or incident; and
- (xii) 174.73 regarding malfunctions and erroneous information; and
- (xiii) 174.75 regarding identification, collection, indexing, storage, maintenance and disposal of records; and
- (xiv) 174.77 regarding **internal quality assurance of the organisation**; and

(10) procedures to control, amend and distribute the exposition.

(b) The applicant's exposition must **be** acceptable to the Director.

**Subpart C — Operating Requirements****174.109 Changes to certificate holder's organisation**

(a) **Each** holder of a meteorological service certificate **shall** ensure that **their** exposition is amended so **as to remain** a current description of the holder's organisation **and meteorological services provided**.

(b) **The certificate holder shall** ensure that any **amendments** made to the holder's exposition **meet the applicable requirements of this Part** and **comply** with the amendment procedures contained in the **holder's** exposition.

- (iv) **rule** 174.57 regarding meteorological service input requirements; and
- (v) **rule** 174.59 regarding meteorological service output requirements; and
- (vi) **rule** 174.61 regarding facility requirements; and
- (vii) **rule** 174.63 (b) regarding control of documentation; and
- (viii) **rule** 174.65 regarding verifications, inspections, tests and calibrations; and
- (ix) **rule** 174.67 regarding release of meteorological information and the placing of facilities into operational service; and
- (x) **rule** 174.69 regarding notification of meteorological office and facility status; and
- (xi) **rule** 174.71 regarding meteorological information checks after notification of an accident or incident; and
- (xii) **rule** 174.73 regarding malfunctions and erroneous information; and
- (xiii) **rule** 174.75 regarding identification, collection, indexing, storage, maintenance and disposal of records; and

(12) procedures to control, amend and distribute the exposition.

(b) The exposition must **remain** acceptable to the Director.

**Subpart C — Operating Requirements****174.109 Changes to certificate holder's organisation**

(a) **A** holder of a meteorological service certificate **must**—

(1) ensure that **the** exposition is amended so **that it remains** a current description of the holder's organisation; and

(2) ensure that any **amendment** made to the exposition—

(i) **is compliant with the Civil Aviation Rules**; and

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- (c) The certificate holder shall provide the Director with a copy of each amendment to their exposition as soon as practicable after its incorporation into the exposition.
- (d) Where a certificate holder proposes to make a change to any of the following, prior notification to and acceptance by the Director is required:
- (1) the Chief Executive;
  - (2) the listed senior persons;
  - (3) the meteorological services the holder provides;
  - (4) the locations and airspace covered by each of the meteorological services the holder provides.
- (e) The Director may prescribe conditions under which a certificate holder may operate during or following any of the changes specified in paragraph (d).
- (f) A certificate holder shall comply with any conditions prescribed under paragraph (e).
- (g) Where any of the changes referred to in this rule require an amendment to the certificate, the certificate holder shall forward the certificate to the Director as soon as practicable.
- (h) The certificate holder shall make such amendments to the holder's exposition as the Director may consider necessary in the interests of aviation safety.
- (i) complies with the amendment procedures contained in the exposition; and
- (3) provide the Director with a copy of each amendment to the exposition—
- (i) as soon as practicable after the amendment is incorporated into the exposition; and
  - (ii) in a format that may be specified by the Director from time to time; and
- (4) make such amendments to the exposition as the Director considers necessary in the interests of aviation safety.
- (b) Before a holder of a meteorological service certificate changes any of the following, prior acceptance by the Director is required:
- (1) the chief executive;
  - (2) the title or name of any senior person referred to in rule 174.51(a)(2);
  - (3) the system for safety management, if the change is a material change;
  - (4) the meteorological services the holder provides;
  - (5) the locations and airspace covered by each of the meteorological services the holder provides.
- (c) To avoid doubt, a holder of a meteorological service certificate must comply with paragraph (a) when making a change referred to in paragraph (b).
- (d) The Director may impose conditions under which the holder of the meteorological service certificate must operate during or following any change.
- (e) The holder of a meteorological service certificate must comply with any condition imposed under paragraph (d).
- (f) If any change requires an amendment to the certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.

**174.111 Safety inspections and audits**

- (a) The Director may in writing require the holder of a meteorological service certificate to undergo or carry out such inspections and audits of the holder's meteorological offices, facilities, documents, and records as the Director considers necessary in the interests of civil

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aviation safety and security in accordance with section 15 of the Act.

(b) The Director may require from the holder of a meteorological service certificate such information as the Director considers relevant to the inspection or audit.

**Subpart D Transition Provisions****174.151 Transition for meteorological service certificate holders and applicants**

- (a) This rule applies to each—
- (1) meteorological service certificate holder;
  - (2) meteorological service certificate applicant.
- (b) Before [date that is 1 year after the date this rule comes into force], an organisation to which this rule applies—
- (1) is not required to comply with—
    - (i) rule 174.51(a)(2)(ii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;
    - (ii) rule 174.77, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 174.153;
    - (iii) rule 174.79(a)(2);
    - (iv) rule 174.79(a)(4)(ii);
    - (v) rule 174.79(a)(7); but
  - (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 1 year from rule effective date] the system for safety management required under rule 174.77.
- (c) Each organisation that relies on paragraph (b) must submit the required implementation plan—
- (1) before [date that is 6 months after the rule comes into effect], if the organisation is a meteorological service certificate holder; or

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- (2) together with the organisation's application for a meteorological service certificate, if the organisation is a meteorological service certificate applicant.
- (d) For the purpose of rule 174.109(b)(3), transitioning from the internal quality assurance system to the system for safety management required by rule 174.77 is deemed to be a material change to the system for safety management.
- (e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 1 year after this rule comes into force]—
  - (1) rule 174.51(a)(2)(ii):
  - (2) rule 174.77:
  - (3) rule 174.79(a)(2):
  - (4) rule 174.79(a)(4)(ii):
  - (5) rule 174.79(a)(7).
- (f) This rule expires on [date that is 1 year after rule effective date].

**174.153 Transitional internal quality assurance for meteorological service certificate holders and applicants**

- (a) The internal quality assurance system required by rule 174.151(b)(1)(ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.
- (b) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting the adequacy, accuracy and timeliness of meteorological information.
- (c) This rule expires on [date that is 1 year after rule effective date].

**Current Rules****Part 175 Aeronautical Information Service Organisations - Certification****Proposed Rules****Subpart B — Certification Requirements****175.51 Personnel Requirements**

(a) Each applicant for the grant of an aeronautical information service certificate shall engage, employ or contract:

- (1) a senior person identified as the Chief Executive, who has the authority within the applicant's organisation to ensure that each aeronautical information service listed in their exposition—
  - (i) can be financed and is provided to meet operational requirements; and
  - (ii) is provided in accordance with the requirements prescribed by this Part:
- (2) a senior person or group of senior persons who are responsible for ensuring that the applicant's 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 collect, collate, check, coordinate, edit, and publish aeronautical information for the aeronautical information services listed in the applicant's exposition.

(b) The applicant shall —

- (1) establish a procedure to initially assess the competence of those personnel authorised by the applicant to check, edit, and publish aeronautical information for the aeronautical information services listed in their exposition; and
- (2) establish a procedure to maintain the competence of those authorised personnel; and
- (3) provide those authorised personnel with written evidence of the scope of their authorisation.

**Subpart B — Certification Requirements****175.51 Personnel Requirements**

(a) An applicant for the grant of an aeronautical information service certificate must employ, contract, or otherwise engage—

- (1) a senior person identified as the chief executive who—
  - (i) has the authority within the organisation to ensure that every activity undertaken by the organisation under the authority of the certificate can be financed and carried out in accordance with this Part; and
  - (ii) is responsible for ensuring that the organisation complies with this Part; and
- (2) a senior person or persons accountable to the chief executive who are responsible for—
  - (i) ensuring that the organisation complies with its exposition; and
  - (ii) the system for safety management required under rule 175.67; and
- (3) sufficient personnel to collect, collate, check, coordinate, edit, and publish aeronautical information for the aeronautical information services listed in the applicant's exposition.

(b) The senior person required by paragraph (a)(2)(ii) must be able to demonstrate knowledge and experience relevant to the management of safety systems and the activities of the certificate holder.

(c) The applicant must establish procedures for—

- (1) initially assessing, and for maintaining, the competence of those personnel authorised by the applicant to check, edit, and publish aeronautical information for the aeronautical information services listed in the exposition; and
- (2) provide those authorised personnel with written evidence of the scope of their authorisation.

**Current Rules****Part 175 Aeronautical Information Service Organisations - Certification****Proposed Rules****175.65 Records**

- (a) Each applicant for the grant of an aeronautical information service certificate shall establish procedures to identify, collect, index, store, maintain and dispose of the records that are necessary for the aeronautical information services listed in their exposition.
- (b) The procedures shall ensure that —
- (1) there are records enabling all incoming and outgoing aeronautical information to be readily identified by serial number and date, and that supplementary information can be similarly verified and, where necessary, authenticated; and
  - (2) there is a record of each person who is authorised by the applicant to check, edit, and publish aeronautical information; and
  - (3) there is a record of each occurrence of error correction under the procedures required by 175.63; and
  - (4) there is a record of each internal quality assurance review of the applicant's organisation carried out under the procedures required by 175.67; and
  - (5) all records are legible and of a permanent nature; and
  - (6) all records are retained for at least 5 years except NOTAM, AIP Supplements and Aeronautical Information Circulars, which need only be retained for 30 days after cancellation.

**175.67 Internal Quality Assurance**

- (a) Each applicant for the grant of an aeronautical information service certificate shall establish internal quality assurance procedures to ensure compliance with, and the adequacy of, the procedures required by this Part.
- (b) The procedures shall specify —
- (1) the level of quality that the applicant intends to achieve; and
  - (2) the level and frequency of internal reviews; and
  - (3) the person or persons responsible for carrying out the internal reviews; and
  - (4) how the findings of the internal reviews are to be recorded and reported to the Chief Executive; and

**175.65 Records**

- (a) An applicant for the grant of an aeronautical information service certificate must establish procedures to identify, collect, index, store, maintain and dispose of the records that are necessary for the aeronautical information services listed in their exposition.
- (b) The procedures must ensure that —
- (1) there are records enabling all incoming and outgoing aeronautical information to be readily identified by serial number and date, and that supplementary information can be similarly verified and, where necessary, authenticated; and
  - (2) there is a record of each person who is authorised by the applicant to check, edit, and publish aeronautical information; and
  - (3) there is a record of each occurrence of error correction under the procedures required by rule 175.63; and
  - (4) there is a record of each internal audit and management review of the applicant's organisation carried out under the processes required by rule 175.67; and
  - (5) all records are legible and of a permanent nature; and
  - (6) all records are retained for at least 5 years except NOTAM, AIP Supplements and Aeronautical Information Circulars, which need only be retained for 30 days after cancellation.

**175.67 Safety management**

An applicant must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

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- (5) how quality indicators such as error reports, incidents, and complaints are incorporated into the internal quality assurance procedures; and
  - (6) the senior person's responsibilities for analysis and overview of the internal reviews; and
  - (7) the means for rectifying any deficiencies found during an internal review; and
  - (8) the documentation requirements for all aspects of the review.
- (c) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive on matters affecting the adequacy, accuracy, timeliness, format, and dissemination of the published aeronautical information.

**175.69 Organisation Exposition**

(a) An applicant for the grant of an aeronautical information service certificate shall provide the Director with an exposition containing —

- (1) a statement signed by the Chief Executive on behalf of the applicant's organisation confirming that —
  - (i) the exposition and any included manuals define the organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
  - (ii) the exposition and any included manuals will be complied with at all times; and
- (2) the titles and names of the senior person or persons required by 175.51(a)(1) and (2); and
- (3) the duties and responsibilities of the senior persons specified in paragraph (a)(2) including matters for which they have responsibility to deal directly with the

**175.69 Aeronautical information service organisation exposition**

(a) An applicant for the grant of an aeronautical information service certificate must provide the Director with an exposition, in a format that may be specified by the Director from time to time, which contains —

- (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 the Civil Aviation Rules; and
  - (ii) will be complied with at all times; and
- (2) in relation to the system for safety management required by rule 175.67,—
  - (i) all of the documentation required by rule 100.3(b); and
  - (ii) for an applicant that is not applying for a renewal of an information aeronautical service certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (3) the titles and names of the senior persons referred to in rules 175.51(a)(1) and (2); and
- (4) the duties and responsibilities of the senior persons referred to in rules

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Director or the Authority on behalf of the organisation; and

- (4) an organisation chart showing lines of responsibility of the senior persons specified in paragraph (a)(2); and
- (5) a summary of the applicant's staffing structure for each aeronautical information service listed under paragraph (a)(6); and
- (6) a list of the aeronautical information services to be covered by the certificate; and
- (7) for a pre-flight information service, details of the area, aerodromes and air routes required by 175.55; and
- (8) the location and address details of the applicable offices required by 175.103(b)(1) and 175.105(1); and
- (9) details of the applicant's format and standards required by 175.57(a)(1) for their published aeronautical information; and
- (10) details of the applicant's procedures required by —
  - (i) regarding the competence of personnel; and
  - (ii) regarding the control of documentation; and
  - (iii) regarding the collection of information; and
  - (iv) regarding the publication of aeronautical information; and
  - (v) regarding the correction of errors in published information; and
  - (vi) regarding the identification, collection, indexing, storage, maintenance, and disposal of records; and

175.51(a)(1) and (2) including—

- (i) matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
- (ii) responsibilities for safety management; and
- (5) an organisation chart showing lines of responsibility of the senior persons referred to in rules 175.51(a)(1) and (2); and
- (6) a summary of the staffing structure for each aeronautical information service listed under paragraph (a)(8); and
- (7) a summary of the lines of safety responsibility and accountability within the organisation, including the direct safety accountabilities of staff to the chief executive; and
- (8) a list of the aeronautical information services to be covered by the certificate; and
- (9) for a pre-flight information service, details of the area, aerodromes and air routes required by rule 175.55; and
- (10) the location and address details of the applicable offices required by rule 175.103(b)(1) and 175.105(1); and
- (11) details of the applicant's format and standards required by rule 175.57(a)(1) for their published aeronautical information; and
- (12) details of the applicant's procedures regarding—
  - (i) the competence of personnel; and
  - (ii) the control of documentation; and
  - (iii) the collection of information; and
  - (iv) the publication of aeronautical information; and
  - (v) the correction of errors in published information; and
  - (vi) the identification, collection, indexing, storage, maintenance, and disposal of records; and

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- (vii) regarding internal quality assurance; and
- (11) procedures to control, amend and distribute the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

**Subpart C — Operating Requirements****175.109 Changes to Certificate Holder's Organisation**

- (a) Each holder of an aeronautical information service certificate shall ensure that their exposition is amended so as to remain a current description of the holder's organisation and services.
- (b) The certificate holder shall ensure that any amendments made to the holder's exposition meet the applicable requirements of this Part and comply with the amendment procedures contained in the holder's exposition.
- (c) The certificate holder shall provide the Director with a copy of each amendment to the holder's exposition as soon as practicable after its incorporation into the exposition.
- (d) Where a certificate holder proposes to make a change to any of the following, prior notification to and acceptance by the Director is required:
- (1) the Chief Executive;
  - (2) the listed senior persons;
  - (3) the aeronautical information services provided by the holder;

- (13) procedures to control, amend and distribute the exposition.
- (b) The exposition must remain acceptable to the Director.

**Subpart C — Operating Requirements****175.109 Changes to certificate holder's organisation**

- (a) A holder of an aeronautical information service certificate must—
- (1) ensure that the exposition is amended so that it remains a current description of the holder's organisation; and
  - (2) ensure that any amendment made to the exposition—
    - (i) is compliant with the Civil Aviation Rules; and
    - (ii) complies with the amendment procedures contained in the exposition; and
  - (3) provide the Director with a copy of each amendment to the exposition—
    - (i) as soon as practicable after the amendment is incorporated into the exposition; and
    - (ii) in a format that may be specified by the Director from time to time; and
  - (4) make such amendments to the exposition as the Director considers necessary in the interests of aviation safety.
- (b) Before a holder of an aeronautical information service certificate changes any of the following, prior acceptance by the Director is required:
- (1) the chief executive;
  - (2) the title or name of any senior person referred to in rule 175.51(a)(2);
  - (3) the system for safety management, if the change is a material change;
  - (4) the aeronautical information services provided by the holder;

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- (4) the format and standards for the aeronautical information published under the authority of their certificate.
- (e) The Director may **prescribe** conditions under which a certificate holder **may** operate during or following any **of the changes specified in paragraph (d)**.
- (f) A **certificate holder shall** comply with any conditions **prescribed** under paragraph (e).
- (g) **Where any of the changes referred to in this rule requires** an amendment to the certificate, the certificate holder **shall** forward the certificate to the Director as soon as practicable.
- (h) **The certificate holder shall** make such amendments to the holder's exposition as the Director **may consider** necessary in the interests of aviation safety.

**175.111 Safety Inspections and Audits**

- (a) **The Director may in writing require the holder of an aeronautical information service certificate to undergo or carry out such inspections and audits of the holder's offices, facilities, documents, and records as the Director considers necessary in the interests of civil aviation safety and security in accordance with section 15 of the Act.**
- (b) **The Director may require the holder of an aeronautical information service certificate to provide such information as the Director considers relevant to the inspection or audit.**

- (5) the format and standards for the aeronautical information published under the authority of their certificate.

- (c) **To avoid doubt, a holder of an aeronautical information service certificate must comply with paragraph (a) when making a change referred to in paragraph (b).**
- (d) The Director may **impose** conditions under which the holder of the aeronautical information service certificate **must** operate during or following any **change**.
- (e) **The holder of an aeronautical information service certificate must** comply with any condition imposed under paragraph (d).
- (f) **If any change** requires an amendment to the aeronautical information service certificate, the holder **must** forward the certificate to the Director **for endorsement of the change** as soon as practicable.

**175.111 Revoked****Subpart G – Transition Provisions****175.301 Transition for aeronautical information service certificate holders and applicants**

- (a) **This rule applies to each—**
- (1) **aeronautical information service certificate holder;**
  - (2) **aeronautical information service certificate applicant.**
- (b) **Before [date that is 1 year after the date this rule comes into force], an organisation to which this rule applies—**

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- (1) is not required to comply with—
    - (i) rule 175.51(a)(2)(ii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance;
    - (ii) rule 175.67, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 175.303;
    - (iii) rule 175.69(a)(2);
    - (iv) rule 175.69(a)(4)(ii);
    - (v) rule 175.69(a)(7); but
  - (2) must submit to the Director an implementation plan that describes how the organisation plans to implement by [date 1 year from rule effective date] the system for safety management required under rule 175.67.
- (c) Each organisation that relies on paragraph (b) must submit the required implementation plan—
- (1) before [date that is 6 months after the rule comes into effect], if the organisation is an aeronautical information service certificate holder; or
  - (2) together with the organisation's application for an aeronautical information certificate, if the organisation is an aeronautical information service certificate applicant.
- (d) For the purpose of rule 175.109(b)(3), transitioning from an internal quality assurance system to the system for safety management required by rule 175.67 is deemed to be a material change to the system for safety management.
- (e) To avoid doubt, nothing in this rule prevents an organisation from complying with the following rules before [date that is 1 year before this rule comes into force]—
- (1) rule 175(a)(2)(ii);
  - (2) rule 175.67;
  - (3) rule 175.69(a)(2);

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- (4) rule 175.69(a)(4)(ii);
- (5) rule 175.69(a)(7).
- (f) This rule expires on [date that is 1 year after rule effective date].

**175.303 Transitional internal quality assurance for aeronautical information service certificate holders and applicants**

- (a) The internal quality assurance system required by rule 175.301(b)(1)(ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.
- (b) The procedures must specify —
  - (1) the level of quality that the applicant intends to achieve; and
  - (2) the level and frequency of internal reviews; and
  - (3) the person or persons responsible for carrying out the internal reviews; and
  - (4) how the findings of the internal reviews are to be recorded and reported to the Chief Executive; and
  - (5) how quality indicators such as error reports, incidents, and complaints are incorporated into the internal quality assurance procedures; and
  - (6) the senior person's responsibilities for analysis and overview of the internal reviews; and
  - (7) the means for rectifying any deficiencies found during an internal review; and
  - (8) the documentation requirements for all aspects of the review.
- (c) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting the adequacy, accuracy, timeliness, format, and dissemination of the published aeronautical information.
- (d) This rule expires on [date that is 1 year after rule effective date].