



**WELLINGTON NEW ZEALAND**

**PURSUANT** to Section 28 of the Civil Aviation Act 1990

**I, MARK GOSCHE**, Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *23rd* day of *May* 2002

by **MARK GOSCHE**

*Mark Gosche*  
*Associate Minister of Transport*  
Minister of Transport

**Civil Aviation Rules**

**Part 19, Amendment 4**

**Transition Rules**

***Docket 97/CAR/1255***

## Contents

Rule objective.....	3
Extent of consultation.....	3
Examination of comments.....	3
Insertion of Amendments .....	4
Effective date of rule.....	4
Availability of rules.....	4
<b>Part 19 amendments</b>	
19.325 Supply organisation exposition.....	5
Summary of comments.....	7

**Rule objective**

The objective of Part 19, Amendment 4 is to revoke the rules that provide for Daily flight records and Carriage of firearms by police and move the amended rules content to Part 91. In addition, the objective of Part 19, Amendment 4 is to make editorial corrections to the Supply organisation exposition rule.

**Extent of consultation**

A Notice of Proposed Rulemaking 98-1 contained the amendment proposals and was issued under Docket 97/CAR/1255 on 11 March 1998.

The publication of this NPRM was advertised in the daily newspapers in the five main provincial centres on 11 March 1998 and in the Gazette on 12 March 1998. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 36 days was allowed for comment on the proposed rules. Additional consultation on certain issues took place after the 36 day period with certain aviation industry members as well as with members of the CAA Industry Rules Advisory Group (CIRAG) executive. Pursuant to section 34 (1)(d) of the Act, the Environmental Risk Management Authority was consulted on 21 August 2001 in respect of the rules relating to the carriage and discharge of firearms on aircraft.

The submissions and verbal comments were considered and where appropriate the proposed rule was amended to take account of the comments made.

The amendment was then referred to and signed by the Minister of Transport.

**Examination of comments**

Comments may be examined by application to the Docket Clerk at Aviation House between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

**Insertion of Amendments**

The amendments to the rules in this Part are reflected by the revocation of the existing rules and the insertion of new rules.

**Effective date of rule**

Amendment 4 to Part 19 comes into force on 1 July 2002.

**Availability of rules**

Civil Aviation Rules are available from–

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

## Part 19 amendments

**19.101** *Daily flight records is revoked.*

**19.325** *Supply organisation exposition is revoked and replaced by the following:*

### **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 at all times; and
- (2) the titles and names of the senior person or persons required by 19.317; and
- (3) the duties and responsibilities of the person or persons specified in subparagraph (2), including matters for which they have the responsibility to deal directly with the Director on behalf of the supply organisation; and
- (4) an organisation chart showing lines of responsibility of the senior persons specified in subparagraph (2); and
- (5) the detailed description of the scope and limitations of the certificate of approval; and
- (6) details of all locations where the applicant conducts supply activities, and the facilities at those locations; and
- (7) details of the applicant's provision of satisfactory environmental conditions at each of the locations listed under subparagraph (6); and

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- (8) details of the applicant's staffing structure at each of the locations listed under subparagraph (6); and
  - (9) details of any authorisations made by the applicant to other persons for supply functions; and
  - (10) details of the applicant's procedures required by—
    - (i) 19.317(b) regarding the competence of personnel; and
    - (ii) 19.317(b) regarding the on-going training of personnel; and
    - (iii) 19.321 regarding control of supply activities, including a copy of the proposed release note, if applicable; and
    - (iv) 19.323(a) regarding the identification, collection, indexing, storage, maintenance, and disposal of records; and
    - (v) 19.323(b) regarding the content and retention of records; and
  - (11) procedures to control, amend, and distribute the exposition.
- (b) The Director must not issue the applicant with a certificate of approval for supply unless the applicant's exposition is acceptable to the Director.

***19.351 Carriage of firearms by police is revoked.***

## Summary of comments

(These statements do not form part of the rules contained in Part 19. They provide details of the consultation undertaken in making the rules)

### 19.101 Daily flight records

Part 19.101 has been revoked. The rule content was initially moved to rule 91.133 but has since been moved to 91.112. The consultation details on this can still be found under 91.133 in amendment 6 to Part 91.

### 19.325 Supply organisation exposition

Minor editorial corrections and the correction of two cross references were made to this rule.

**One commenter** stated that to be consistent each word of a heading should start with a capital. This commenter also preferred the use of a ‘Z’ in the spelling of organisation.

**CAA response:** This comment does not relate to a proposed change in the NPRM. The CAA disagrees with the comment. Each word in a Subpart heading starts with a capital. In a rule heading the first word has a capital while the rest of the words are in lower case. In New Zealand, organisation is the correct spelling.

**One commenter** asked under what law can the Director require an ‘exposition’? He added that other forms of compliance are equally acceptable – oral instructions for example.

**CAA response:** This comment does not relate to a proposed change in the NPRM. The rule is the law and without an exposition the CAA cannot assess an organisation for entry into the civil aviation system.

**One commenter** stated that there are 14 ‘ands’ on p.28 which are not needed, and added that semicolons are adequate to separate items in a list. This commenter also stated that the five ‘regardings’ at the bottom of page 28 are superfluous.

**CAA response:** This comment does not relate to a proposed change in the NPRM. The CAA disagrees with the comment as the use of ‘and’ in rules such as this one, play an important role in legislative interpretation.

**One commenter** asked which law stated that an exposition ‘must be acceptable to the Director’? This commenter also stated that expositions are not required elsewhere in the transport industry and asked why aviation was being singled out for special attention.

**CAA response:** This comment does not relate to a proposed change in the NPRM. However, the rule itself is the law which states that an exposition must be acceptable. The CAA accepts that the wording needed improving and has amended the rule.

The wording in paragraphs (a) and (b) has changed slightly from that proposed in the NPRM. These changes were suggested by CAA legal specialists to be consistent with other rules and have no effect on the content of the rule itself.

### **19.351 Carriage of firearms by police**

This rule has been revoked and the relevant content retained in rule 91.9 as amended. The consultation details on this can still be found under 91.9 in amendment 7 to Part 91.