



PURSUANT to Sections 28 and 30 of the Civil Aviation Act 1990

I, CRAIG FOSS, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This ^{7th} day of ^{Dec} 2015

by **HON CRAIG FOSS**

A handwritten signature in black ink, appearing to read 'C. Foss', is written over the printed name 'HON CRAIG FOSS'.

Associate Minister of Transport

Civil Aviation Rules

Part 139, Amendment 12

Aerodromes – Certification, Operation and Use

Docket 8/CAR/1

Contents

Rule objective.....	3
Extent of consultation.....	3
Summary of submissions.....	3
Examination of submissions.....	4
Insertion of Amendments	4
Effective date of rule.....	4
Availability of rules.....	4
Subpart B – Certification Requirements	5
139.55 Personnel requirements.....	5
139.75 Safety management	6
139.77 Aerodrome certification exposition	6
Subpart C — Operating Requirements	9
139.127 Changes to certificate holder's organisation.....	9
Subpart G — Certification requirements for qualifying aerodrome operator certificate	10
139.401 Personnel requirements.....	10
139.409 Safety management	11
139.417 Qualifying aerodrome operator exposition	11
Subpart H — Operating Requirements	14
139.455 Changes to certificate holder's organisation.....	14
Subpart J — Transitional Provisions	15
139.551 Transition for aerodrome operator certificate holders and applicants operating aerodromes servicing international regular air transport operations.....	15
139.553 Transition for aerodrome operator certificate holders and applicants that operate aerodromes not servicing international regular air transport operations.....	17
139.555 Transition for qualifying aerodrome operator certificate holders and applicants	20
139.557 Transitional internal quality assurance for aerodrome operator certificate holders and applicants.....	21
Consultation Details	23

Rule objective

The objective of amendment 12 to Part 139 is to introduce new rules to improve New Zealand's aviation safety performance in a way that embeds an effective safety culture in aviation organisations; and to ensure New Zealand meets its international obligations as a signatory to the Convention on International Civil Aviation.

Extent of consultation

This project was originally conceived to have a three stage implementation plan where the safety management provisions would be included in every affected rule. A project working group was formed in 2009 to address stage 1 which included international air operators, their maintainers, international aerodromes, and air traffic control.

Subsequent development shifted the direction to a single stage rule implementation, with 2 different transition times; and the safety management requirements would mostly be contained in a new rule part – Part 100.

As a result, a new policy project developed options for a safety management rule proposal in a risk based regulation environment. This policy was consulted in 2013 and was well received by the industry; and rule development continued as recommended in the policy document.

A Notice of Proposed Rulemaking, NPRM 15-02, containing the proposed new Part 100 and consequential amendments to Parts 19, 115, 119, 121, 125, 135, 137, 139, 141, 145, 146, 148, 149, 171, 172, 173, 174, and 175 was issued for public consultation under Docket 8/CAR/1 on 7 May 2015.

The publication of this NPRM was notified in the Gazette on 7 May 2015. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 42 days was allowed for comment on the proposed rule.

Summary of submissions

20 written submissions and 60 oral comments were received on the NPRM. Some submissions influenced the shape of the transition

provisions; and one submission related specifically to Part 139. As a result of this submission minor editorial changes were made to the text of the rule. Refer also to *Consultation Details* on page 23.

Examination of submissions

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

Insertion of Amendments

The amendments to the rules in this Part are reflected by replacing the affected existing rules with the amended rules.

Effective date of rule

Amendment 12 to Part 139 comes into force on 1 February 2016.

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

Subpart B – Certification Requirements

Rule 139.55 is revoked and replaced by the following rule:

139.55 Personnel requirements

(a) An applicant for the grant of an aerodrome 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 all activities 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 applicant’s organisation complies with the requirements and standards prescribed by this Part; and
- (2) a senior person designated as the Airport Manager, or senior persons—
 - (i) who is or who are responsible for ensuring that the aerodrome and its operation complies with Subparts A to D; and
 - (ii) who is responsible for the system for safety management required under rule 139.75; and
 - (iii) who is or who are ultimately responsible to the chief executive; and
- (3) sufficient personnel to operate and maintain the aerodrome and its services and facilities in accordance with the requirements of Subparts A to D.

(aa) The senior person referred to in paragraph (a)(2)(ii) must be able to demonstrate competency and experience relevant to the management of safety systems and the activities of the certificate holder.

(b) An applicant for the grant of an aerodrome operator certificate must establish a procedure for initially assessing and for maintaining the competence of personnel required to operate and maintain the aerodrome and its services and facilities.

Rule 139.75 is revoked and replaced by the following rule:

139.75 Safety management

An applicant for the grant of an aerodrome operator certificate must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

Rule 139.77 is revoked and replaced by the following rule:

139.77 Aerodrome certification exposition

(a) An applicant for the grant of an aerodrome operator 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) are to be complied with at all times; and
- (1A) 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 operator certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (2) the titles and names of the senior person or persons required by rules 139.55(a)(1) and (2); and

- (3) the duties and responsibilities of the senior person or persons required by rules 139.55(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
- (4) an organisation chart showing lines of responsibility of the senior person or persons required by rules 139.55(a)(1) and (2); and
- (5) any limitations on the use of the aerodrome established under rule 139.53; and
- (6) each current exemption granted to the applicant from the requirements of Subparts A, B, C, or D; and
- (6A) information identifying the lines of safety responsibility within the organisation; and
- (7) the aerodrome emergency plan required by rule 139.57; and
- (8) a statement of the aerodrome category for rescue and firefighting determined under rule 139.59 with a description of the extinguishing agents, vehicles and discrete communication system required by rules 139.61 139.63 and 139.67A, the procedures and personnel required by rule 139.65 and the procedures required by rules 139.111(c)(2) and (3); and
- (9) a description of the safeguards for public protection required by rule 139.69; and
- (10) the environmental management programme when required by rule 139.71; and
- (11) the procedures required by rule 139.73 for the notification of aerodrome data and information; and
- (12) [*revoked*]

- (12A) the procedures required by rule 139.76 for the collection and reporting of traffic movement data; and
 - (13) the aerodrome maintenance programme required by rule 139.103; and
 - (14) the procedures required by rule 139.105 for the preventive maintenance and checking of the aerodrome visual aids for navigation; and
 - (15) the procedures and precautions required by rule 139.76A for any works on the aerodrome; and
 - (16) [*revoked*]
 - (17) the aerodrome inspection programme, procedures and reporting system required by rule 139.117; and
 - (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
 - (19A) the procedures required by rule 139.76B(2) for management and control of documents necessary for the provision and operation of the aerodrome; and
 - (20) a description of measures taken to comply with the security requirements in Subpart D, including details of the security awareness programme and the procedures required by rules 139.203(d)(8) and (9); and
 - (21) the security training programme required by rule 139.205(c); and
 - (22) procedures for controlling, amending and distributing the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

Subpart C — Operating Requirements

Rule 139.127 is revoked and replaced by the following rule:

139.127 Changes to certificate holder's organisation

(a) A holder of an aerodrome operator certificate must ensure that the exposition is amended so that it remains a current description of the aerodrome and its associated plans, programmes, services, systems, procedures, and facilities.

(b) The certificate holder must ensure that any amendment made to its exposition meets the applicable requirements of this Part and complies with the amendment procedures contained in its exposition.

(c) The certificate holder must 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.

(d) Before a certificate holder changes any of the following, prior acceptance by the Director is required:

- (1) the chief executive:
- (2) the listed senior persons:
- (3) the system for safety management, if the change is a material change.

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

(f) The certificate holder must comply with any conditions imposed by the Director under paragraph (e).

(g) If any change referred to in this rule requires an amendment to the aerodrome operator certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.

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

Subpart G — Certification requirements for qualifying aerodrome operator certificate

Rule 139.401 is revoked and replaced by the following rule:

139.401 Personnel requirements

(a) An applicant for the grant of a qualifying aerodrome operator certificate must engage, employ or contract—

- (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 in accordance with the requirements and standards prescribed by this Part; and
 - (ii) is responsible for ensuring that the applicant's organisation complies with the requirements and standards prescribed by this Part; and
- (2) a senior person designated as the Airport Manager, or senior persons—
 - (i) who is or are responsible for ensuring that the aerodrome and its operation complies with Subparts A, G and H; and
 - (ia) who is responsible for the system for safety management required under rule 139.409; and
 - (ii) who is or are ultimately responsible to the chief executive, if the senior person is a person other than the chief executive; and

- (3) sufficient personnel to operate and maintain the aerodrome and its services and facilities in accordance with the requirements of Subparts A, G and H.

(aa) The senior person referred to in paragraph (a)(2)(ia) must be able to demonstrate competency and experience relevant to the management of safety systems and the activities of the certificate holder.

(b) An applicant for the grant of a qualifying aerodrome operator certificate must establish a procedure for initially assessing and for maintaining the competence of personnel required to operate and maintain the aerodrome and its services and facilities.

(c) To avoid doubt, the chief executive position and the senior person positions referred to in paragraph (a)(2) may be held by 1 person.

Rule 139.409 is revoked and replaced by the following rule:

139.409 Safety management

An applicant for the grant of a qualifying aerodrome operator certificate must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

Rule 139.417 is revoked and replaced by the following rule:

139.417 Qualifying aerodrome operator exposition

(a) An applicant for the grant of a qualifying aerodrome operator 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

- (1A) in relation to the system for safety management required by rule 139.409,—
 - (iii) all of the documentation required by rule 100.3(b); and
 - (iv) for an applicant that is not applying for a renewal of a qualifying aerodrome operator certificate, an implementation plan that describes how the system for safety management will be implemented; and
- (2) the titles and names of the senior person or persons required by rules 139.401(a)(1) and (2); and
- (3) the duties and responsibilities of the senior person or persons required by rules 139.401(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
- (4) if applicable, an organisation chart showing lines of responsibility of the senior person or persons required by rules 139.401(a)(1) and (2); and
- (5) any limitations on the use of the aerodrome established under rule 139.403; and
- (6) a description of the safeguards for public protection required by rule 139.405; and
- (6A) information identifying the lines of safety responsibility within the organisation; and
- (7) the procedures required by rule 139.407 for the notification of aerodrome data and information; and
- (8) [*revoked*]

- (9) the procedures required by rule 139.411 for the collection and reporting of traffic movement data: and
 - (10) the procedures and precautions required by rule 139.413 for any works on the aerodrome; and
 - (11) the procedures required by rule 139.415(2) for management and control of documents necessary for the provision and operation of the aerodrome; and
 - (12) procedures for controlling, amending, and distributing the exposition.
- (b) The exposition must, in addition to the matters specified in paragraph (a), include any requirements or procedures that are necessary to manage risks relating to any of the following matters that have been identified in the aeronautical study required by rule 139.21:
- (1) aerodrome design requirements including physical characteristics, obstacle limitation surfaces, visual aids, equipment and installations, and runway end safety areas:
 - (2) aerodrome emergency plan:
 - (3) rescue and firefighting:
 - (4) wildlife hazard management:
 - (5) aerodrome maintenance:
 - (6) visual aids for navigation – maintenance and checking:
 - (7) aerodrome air traffic services:
 - (8) apron management services:
 - (9) aerodrome inspection programme:
 - (10) ground vehicles:
 - (11) protection of navigation aids and ATS facilities:

- (12) aerodrome condition notification.
- (c) An exposition required under this subpart may adopt, by reference, a requirement in Subparts B and C for the purpose of mitigating or managing a risk identified in the aeronautical study required by rule 139.21 or rule 139.457.
- (d) The applicant's exposition must be acceptable to the Director.

Subpart H — Operating Requirements

Rule 139.455 is revoked and replaced by the following rule:

139.455 Changes to certificate holder's organisation

- (a) A holder of a qualifying aerodrome operator certificate must ensure that the exposition is amended so that it remains a current description of the aerodrome and its associated plans, programmes, services, systems, procedures, and facilities.
- (b) The certificate holder must ensure that any amendment made to its exposition meets the applicable requirements of this Part and complies with the amendment procedures contained in its exposition.
- (c) The certificate holder must 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.
- (d) Before a certificate holder changes any of the following, prior acceptance by the Director is required:
 - (1) the chief executive:
 - (2) the listed senior persons:
 - (3) the system for safety management, if the change is a material change.
- (e) The Director may impose conditions under which a certificate holder must operate during or following any of the changes specified in paragraph (d).

(f) The certificate holder must comply with any conditions imposed by the Director under paragraph (e).

(g) If any change referred to in this rule requires an amendment to the qualifying aerodrome operator certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.

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

Subpart J — Transitional Provisions

Insert rule 139.551 after rule 139.505:

139.551 Transition for aerodrome operator certificate holders and applicants operating aerodromes servicing international regular air transport operations

(a) This rule applies to each—

(1) aerodrome operator certificate holder that operates an aerodrome serving any aeroplane that is 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) applicant for an aerodrome operator certificate that will operate an aerodrome serving any aeroplane that is 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 1 February 2018, an organisation to which this rule applies—
 - (1) is not required to comply with—
 - (i) rule 139.55(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 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 139.557:
 - (iii) rule 139.77(a)(1A):
 - (iv) rule 139.77(a)(3)(ii):
 - (v) rule 137.77(a)(6A); but
 - (2) by 30 July 2016 must submit to the Director with the accompanying completed CAA form an implementation plan that—
 - (i) includes a proposed date for implementation of the system for safety management; and
 - (ii) outlines how the organisation plans to implement the system for safety management required under rule 139.75.
- (c) The Director will, if acceptable—
 - (1) approve the organisation's implementation plan; and
 - (2) set the date for implementation of the system for safety management.

(d) To avoid doubt, the date for implementation is the date the Director approves the system for safety management.

(e) In setting the date under rule 139.551(c)(2), the Director must have regard to the following:

- (1) the capability of the organisation:
- (2) the complexity of the organisation:
- (3) the risks inherent in the activities of the organisation:
- (4) the date of any certificate renewal:
- (5) any resource or scheduling impacts on the organisation or the Authority or both:
- (6) the date for implementation must not be later than 1 February 2018.

(f) If the organisation is an applicant for an aerodrome operator certificate it must submit its application for such a certificate together with the plan for implementation of the system for safety management.

(g) This rule expires on 1 February 2018.

Insert rule 139.553 after rule 139.505 and following rule 139.551:

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

- (a) This rule applies to each—
- (1) aerodrome operator certificate holder that operates an aerodrome that is not serving any aeroplane that is 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) applicant for an aerodrome operator certificate that will operate an aerodrome that will not be serving any aeroplane that is 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 1 February 2021, an organisation to which this rule applies—
 - (1) is not required to comply with—
 - (i) rule 139.55(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 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 139.557:
 - (iii) rule 139.77(a)(1A):
 - (iv) rule 139.77(a)(3)(ii):
 - (v) rule 137.77(a)(6A); but
 - (2) by 30 July 2018 must submit to the Director with the accompanying completed CAA form an implementation plan that—

- (i) includes a proposed date for implementation of the system for safety management; and
 - (ii) outlines how the organisation plans to implement the system for safety management required under rule 139.75.
- (c) The Director will, if acceptable—
 - (1) approve the organisation’s implementation plan; and
 - (2) set the date for implementation of the system for safety management.
- (d) To avoid doubt, the date for implementation is the date the Director approves the system for safety management.
- (e) In setting the date under rule 139.553(c)(2), the Director must have regard to the following:
 - (1) the capability of the organisation:
 - (2) the complexity of the organisation:
 - (3) the risks inherent in the activities of the organisation:
 - (4) the date of any certificate renewal:
 - (5) any resource or scheduling impacts on the organisation or the Authority or both:
 - (6) the date for implementation must not be later than 1 February 2021.
- (f) If the organisation is an applicant for an aerodrome operator certificate it must submit its application for such a certificate together with the plan for implementation of the system for safety management.
- (g) This rule expires on 1 February 2021.

Insert rule 139.555 after rule 139.505 and following rule 139.553:

139.555 Transition for qualifying aerodrome operator certificate holders and applicants

- (a) This rule applies to each—
- (1) qualifying aerodrome operator certificate holder; and
 - (2) applicant for a qualifying aerodrome operator certificate.
- (b) Before 1 February 2021, an organisation to which this rule applies—
- (1) is not required to comply with—
 - (i) rule 139.401(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 139.409, 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 139.557:
 - (iii) rule 139.417(a)(1A):
 - (iv) rule 139.417(a)(3)(ii):
 - (v) rule 137.417(a)(6A); but
 - (2) by 30 July 2018 must submit to the Director with the accompanying completed CAA form an implementation plan that—
 - (i) includes a proposed date for implementation of the system for safety management; and
 - (ii) outlines how the organisation plans to implement the system for safety management required under rule 139.409.

- (c) The Director will, if acceptable—
- (1) approve the organisation’s implementation plan; and
 - (2) set the date for implementation of the system for safety management.
- (d) To avoid doubt, the date for implementation is the date the Director approves the system for safety management.
- (e) In setting the date under rule 139.555(c)(2), the Director must have regard to the following:
- (1) the capability of the organisation:
 - (2) the complexity of the organisation:
 - (3) the risks inherent in the activities of the organisation:
 - (4) the date of any certificate renewal:
 - (5) any resource or scheduling impacts on the organisation or the Authority or both:
 - (6) the date for implementation must not be later than 1 February 2021.
- (f) If the organisation is an applicant for a qualifying aerodrome operator certificate it must submit its application for such a certificate together with the plan for implementation of the system for safety management.
- (g) This rule expires on 1 February 2021.

Insert rule 139.557 after rule 139.505 and following rule 139.555:

139.557 Transitional internal quality assurance for aerodrome operator certificate holders and applicants

- (a) The internal quality assurance system required by rules 139.551(b)(1)(ii) and 139.553(b)(1)(ii) and 139.555(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 1 February 2021.

Consultation Details

(This statement does not form part of the rules contained in Part 139. It provides details of the consultation undertaken in making the rules.)

A Notice of Proposed Rulemaking, NPRM 15-02, Safety Management, containing the proposed rules was issued for public consultation under Docket 8/CAR/1 on 7 May 2015.

20 responses to the NPRM were received. One related to Part 139 as follows:

Part 139

One submitter noted a series of errors in rules 139.55(a), 139.55(a)(1), 139.55(a)(2a), 139.77(a)(1) and (8), 139.127(b)(1), 139.401(b)(1)(i), 139.401(e)(1), 139.403(b)(1)(i), 139.403(b)(2), 139.403(e)(1), and 139.405(a). The submitter also commented on the lack of internal quality procedure requirements in proposed rule 139.405.

CAA Response: The CAA will correct the errors and inconsistencies that were observed. Regarding rule 139.405, the proposed transition requirements merely reflect the existing internal quality requirements (so that the amended rule does not need to refer to an obsolete rule over the transition period). The CAA had no intention of requiring, on a transitional basis, more than which currently exists.

Two related to the proposed transition requirements as follows:

Transition rules

In regard to the time allowed for transition, most believed that the implementation time allowed was adequate. However, 2 submitters felt that it was too short – both were working in areas that were mainly Part 135 operations, but had a small element of Part 125 operations that would require the shorter transition period. This, they felt was unachievable; and in one case the submitter suggested that Part 125 operations should be allowed the longer transition to match Part 135.

One submitter suggested dropping the transitional rule that requires a transitional plan by a fixed date, as it appears nearly impossible to

enforce in a meaningful way. The submitter questioned the CAA's intention if the CAA does not agree with an implementation plan? The submitter was of the view that as long as a plan is submitted, regardless of its content, the rule has been met. The intent of this rule may well be better achieved by other means, such as the anticipated timelines the CAA expects it will take to process an application for an exposition change that includes a SMS.

CAA Response: The CAA has reviewed the proposed transitional provisions and came to the following conclusions:

- *The timing of the proposed implementation stages has been examined and found that 1 year for the first group and 3 years for the second group would be unreasonably short considering the following:*
 - *the number of affected certificates;*
 - *non-validated data on the level of proactive implementation already undertaken by organisations; and*
 - *an untested SMS certification process.*

Therefore, while still under consideration pending further review of information from other States who have already been through this process, the times are expected to be extended.

- *The decision by CAA that organisations submit an implementation plan was informed by current best practice and that other States have done likewise. To ensure that the organisation's SMS is properly developed within the required timeframe, some measure of additional oversight is necessary. Therefore, the final rules will be drafted to require that an implementation date is agreed between the organisation and the CAA; and that the implementation plan must be approved.*

One of the acknowledged sources of hazards is change in an organisation's operation, and it is one of the reasons that effective change management practices be applied at the outset. Therefore, any changes to the implementation plan and SMS will be documented and submitted to the CAA

for approval. If a change is required, the CAA may provide additional guidance to the organisation to ensure that the SMS remains in compliance with the SMS rules and is implemented within the specified period following the effective date of the final rule.

The final draft will also be explicit in requiring that, at the end of the implementation period (i.e. the implementation date), the SMS is acceptable to the Director.