



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

I, Hon Julie Anne Genter, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED at Wellington

This 24th day of August 2020

A handwritten signature in black ink, appearing to read 'Julie Anne Genter', is written over a large, stylized cursive flourish.

by Hon Julie Anne Genter

Associate Minister of Transport

Civil Aviation Rules
Part 119, Amendment 17
Air Operator — Certification
Docket 17/CAR/1

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Rule objective

The objective of amendment 17 to Part 119 is to make minor editorial amendments to align with current drafting style and to make editorial corrections to certain references.

Extent of consultation

A Notice of Proposed Rule Making NPRM 19-03, containing the proposed amendments to Part 119 and 13 other rule Parts was issued for public consultation under Docket 17/CAR/1 on 17 May 2019.

The NPRM was published on the CAA web site on 17 May 2019 and emailed to subscribers of the automatic alert service provided by the CAA.

A period of 21 days was allowed for comment on the proposed rule.

Summary of submissions

Three written submissions were received on the NPRM, and one submission was related to Part 119. These submissions and comments have been considered.

The submission raised that in column 3 of tables B.1, B.2, and B.5 the heading should read “*Fewer than 4 aircraft*” instead of “*less than 4 aircraft*”. The CAA noted the comment and will address it in the next Omnibus rule project.

No changes were made to Part 119 as a result of the submissions.

Although not part of the original suite of proposed omnibus amendments, or mentioned in the submissions, further editorial amendments have been proposed to appendices B.1, B.2 and B.5 –

- to replace capital letters with the small case for terms such as “*commercial pilot licence*”, “*instrument rating*”, “*certificate in quality assurance*”, and “*general knowledge*”, and
- amend ‘*four*’, ‘*three*’ and ‘*two*’ to the numeral forms ‘4’, ‘3’, and ‘2’ respectively, for easier reference.

A summary of submissions for this NPRM is available on the CAA website.

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:

- revoking and replacing rules 119.9, 119.15, 119.61, 119.65, 119.81, 119.109, 119.113, 119.125, and 119.207; and
- revoking and replacing appendices B.1, B.2, and B.5.

Effective date of rule

Amendment 17 to Part 119 comes into force on 1 December 2020

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 119 Air Operator—Certification

Subpart A—General

Rule 119.9 is revoked and replaced with the following rule:

119.9 Application for certificate

An applicant for the grant of an air operator certificate must complete form CAA 24119/01, which requires—

- (1) the name and address for service in New Zealand of the applicant; and
- (2) the details required by rule 119.15(b), for the operations specifications; and
- (3) the exposition required—
 - (i) by rule 119.81 for an airline air operator certificate; or
 - (ii) by rule 119.125 for a general aviation air operator certificate; and
- (4) such further particulars relating to the applicant as may be required by the Director as indicated on the form—

and submit it to the Director, with a payment of the appropriate application fee prescribed by regulations made under the Act, not less than 90 days before the date of intended operation, unless a shorter period is acceptable to the Director.

Rule 119.15 is revoked and replaced with the following rule:

119.15 Operations specifications

- (a) An air operator certificate issued under the Act and this Part must be accompanied by the operations specifications specified in paragraph (b).
- (b) The operations specifications must contain—

- (1) details of the physical location of the certificate holder's principal base of operations; and
 - (2) the certificate holder's address for service in New Zealand; and
 - (3) other business names under which the certificate holder may operate; and
 - (4) the type, serial number, and registration of every aircraft that is authorised for use; and
 - (5) details of the air operation types authorised; and
 - (6) the authorisation and limitations for routes and areas of operations; and
 - (7) any exemption granted from any requirement of this or any other Part; and
 - (8) any other item that the Director determines is necessary to cover a particular situation; and
 - (9) where applicable, the authorisations and limitations for routes and areas of air operations conducted in Australia by a holder of a New Zealand AOC with ANZA privileges.
- (c) When authorising SEIFR passenger operations in a certificate holder's operations specifications, the Director may specify that the authorisation is valid for a period less than that for which the air operator certificate is valid.
- (d) When authorising EDTO in a certificate holder's operations specifications the Director must specify the following:
- (1) the registration of each aeroplane authorised for EDTO; and
 - (2) the maximum diversion time for each aeroplane that is authorised for EDTO under paragraph (1); and

- (3) the EDTO alternate aerodromes authorised for EDTO.

Subpart B—Airline Air Operator—Certification Requirements

Rule 119.61 is revoked and replaced with the following rule:

119.61 Maintenance procedures

(a) An applicant for the grant of an airline air operator certificate must establish procedures for ensuring the continued airworthiness of—

- (1) every aircraft that is operated under the authority of the certificate; and
- (2) any equipment installed in or attached to the aircraft.

(b) An applicant for the grant of an airline air operator certificate that contracts with another person to perform maintenance on the applicant's aircraft must include in the exposition required under rule 119.81 details of—

- (1) the functions to be transferred to the other person; and
- (2) the scope of the maintenance to be carried out by the other person; and
- (3) the authority of the other person in respect of the functions and maintenance to be carried out.

Rule 119.65 is revoked and replaced with the following rule:

119.65 Documentation

(a) An applicant for the grant of an airline air operator certificate must establish procedures for controlling, amending, and distributing its operational, safety, and maintenance data.

(b) An applicant for the grant of an airline air operator certificate must establish a procedure for the control of documentation required by any

applicable Part, including but not limited to Parts 91, 108, 121, 125, and 135.

(c) The procedures required by paragraphs (a) and (b) must provide for the following —

- (1) all documentation is reviewed and authorised by appropriate personnel before issue; and
- (2) current issues of all relevant documents are available to personnel at all locations where they need access to such documentation, in either hard copy, electronic, or other form acceptable to the Director; and
- (3) all obsolete documentation is promptly removed from all points of issue or use; and
- (4) changes to documentation are reviewed and approved by appropriate personnel; and
- (5) the current version of each item of documentation can be identified to preclude the use of superseded material.,

Rule 119.81 is revoked and replaced with the following rule:

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

- (1A) 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
- (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 required by 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
 - (ii) responsibilities for safety management; and
- (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
- (5) an organisation chart showing lines of responsibility of the senior persons required by rules 119.51(a)(1) and (2) and extending to each location listed under paragraph (a)(4); and
- (6) a summary of the staffing structure at each location referred to in paragraph (a)(4); and
- (6A) information identifying the lines of safety responsibility within the organisation; and
- (7) details of the principal place of operation and, if applicable, the main operation base and the main maintenance base; and
- (8) details of the resources required by rule 119.55; and

- (9) details of the procedures required by this Part; and
 - (10) details of—
 - (i) the maintenance procedures required by rule 119.61; and
 - (ii) the maintenance programme required by rule 119.63; and
 - (iii) the maintenance organisation that performs maintenance on the applicant's aircraft; and
 - (11) details of the programmes required, as appropriate, by this Part, and Part 121, Part 125, or Part 135; and
 - (12) details of the procedures for ensuring that compliance with the laws of any foreign State in which the applicant's aircraft operate; and
 - (13) procedures for controlling, amending, and distributing the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

Subpart C—General Aviation Air Operator— Certification Requirements

Rule 119.109 is revoked and replaced with the following rule:

119.109 Maintenance procedures

- (a) An applicant for the grant of a general aviation air operator certificate must establish procedures for ensuring the continued airworthiness of—
- (1) every aircraft that is operated under the authority of the certificate; and
 - (2) any equipment installed in or attached to the aircraft.

(b) An applicant for the grant of a general aviation air operator certificate that contracts with another person to perform maintenance of the applicant's aircraft must include in the exposition required under rule 119.125 details of—

- (1) the functions to be transferred to the other person; and
- (2) the scope of the maintenance to be carried out by the other person; and
- (3) the authority of the other person in respect of the functions and maintenance to be carried out.

Rule 119.113 is revoked and replaced with the following rule:

119.113 Documentation

(a) An applicant requiring a safety management system under rule 119.124 for the grant of a general aviation air operator certificate must establish procedures for controlling, amending, and distributing its operational, safety, and maintenance data.

(b) An applicant for the grant of a general aviation air operator certificate must establish a procedure for the control of documentation required by any applicable Part, including but not limited to Parts 91 and 135.

(c) The procedures required by paragraphs (a) and (b) must provide for the following —

- (1) all documentation is reviewed and authorised by appropriate personnel before issue; and
- (2) current issues of all relevant documents are available to personnel at all locations where they need access to such documentation, in either hard copy, electronic, or other form acceptable to the Director; and
- (3) all obsolete documentation is promptly removed from all points of issue or use; and

- (4) changes to documentation are reviewed and approved by appropriate personnel; and
- (5) the current version of each item of documentation can be identified to preclude the use of superseded material.

Rule 119.125 is revoked and replaced with the following rule:

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 to be complied with by the organisation's personnel at all times; and

(1A) 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
- (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 required by rules 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
 - (4) if appropriate, an organisation chart showing lines of responsibility of the senior persons required by rules 119.101(a)(1) and (2); and
 - (4A) information identifying the lines of safety responsibility within the organisation; 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 for controlling, amending, and distributing the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

Subpart D—Operating Requirements

Rule 119.207 is revoked and replaced with the following rule:

119.207 Transition for general aviation air operator certificate holders and applicants

- (a) This rule applies to each—
- (1) holder of a general aviation air operator certificate;
 - (2) applicant for the grant of a general aviation air operator certificate.
- (b) Before the date of implementation set under paragraph (e)(2), an organisation to which this rule applies is not required to comply with—
- (1) 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;
 - (2) 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;
 - (3) rule 119.125(a)(1A)(i);
 - (4) rule 119.125(a)(3)(ii);
 - (5) rule 119.125(a)(4A).
- (c) A completed CAA form and implementation plan must be submitted to the Director—
- (1) after 1 February 2016 for an applicant for the grant of a general aviation air operator certificate under paragraph (a)(2); and
 - (2) by 30 July 2018 for the holder of a general aviation air operator certificate under paragraph (a)(1).

- (d) The implementation plan referred to in paragraph (c) must—
 - (1) include a proposed date for implementation of the system for safety management; and
 - (2) outline how the organisation plans to implement the system for safety management required under rule 119.124.
- (e) The Director will, if acceptable—
 - (1) approve the organisation’s plan for implementation; and
 - (2) set the date for implementation of the system for safety management.
- (f) In setting the date under paragraph (e)(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.
- (g) A holder of a general aviation air operator certificate under paragraph (a)(1) does not have to submit an implementation plan with its certificate renewal application.
- (h) This rule expires on 1 February 2021.

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

Appendices B.1, B.2, and B.5 are revoked and replaced with the following:

This Appendix prescribes the qualifications and experience for the senior persons responsible under rules 119.101(b)(1)(i), (ii), (iii), and (iv).

B.1 Senior person responsible for air operations

Part 135 Operation		
	More than 3 aircraft or more than 2 bases	Less than 4 aircraft and less than 3 bases
Document required	commercial pilot licence, with instrument rating if operations include IFR	commercial pilot licence, with instrument rating if operations include IFR
Pilot-in-command experience	3 years as pilot-in-command under Part 135 operations and 750 hours flight time during air operations on the same category of aircraft to be operated, with experience in the same or similar type of air operation to be performed that is acceptable to the Director; and 75 hours actual or simulated instrument time if operations include IFR; or ↓	500 hours flight time during air operations on the same category of aircraft to be operated, with experience in the same or similar type of air operation to be performed that is acceptable to the Director; and 75 hours actual or simulated instrument time if operations include IFR; or ↓
Managerial experience	3 years in an operational control position with experience, including flight experience, appropriate to the type of air operation to be performed that is acceptable to the Director.	2 years in an operational control position with experience, including flight experience, appropriate to the type of air operation to be performed that is acceptable to the Director.

For assessing the above senior person experience requirements, the Director may consider the following:

- (a) for a senior person qualifying under the pilot-in-command requirements, the Director may consider experience in the same types of air operations or similar types of air operations involving similar operating environment, types of equipment and aircraft configurations including operations in a military or similar type of service:
- (b) for a senior person qualifying under the managerial experience requirements, the Director may consider flight operational control experience, or similar experience, in air operations or other similar transport type operations in a military or similar type of service.

B.2 Senior person responsible for crew training and competency assessment

Part 135 Operation		
	More than 3 aircraft and/or more than 2 bases	Less than 4 aircraft and/or less than 3 bases
Document required	commercial pilot licence, with instrument rating if operations include IFR	commercial pilot licence, with instrument rating if operations include IFR
Currency	current to act as pilot-in-command of one type of operator's aircraft	current to act as pilot-in-command of one type of operator's aircraft
Experience	3 years as pilot-in-command under Part 135 operations and 2 years' experience in the check and training role	

B.5 Senior person responsible for the organisational management system

Part 135 Operation		
	More than 3 aircraft and/or more than 2 bases	Less than 4 aircraft and/or less than 3 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.