



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 135, Amendment 22

Air Operations – Helicopters and Small Aeroplanes

Docket 8/CAR/1

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Rule objective

The objective of amendment 22 to Part 135 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. No submissions related to the proposed changes to Part 135.

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 22 to Part 135 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 G – Maintenance

Rule 135.415 is revoked and replaced by the following rule:

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 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.

Consultation Details

(This statement does not form part of the rules contained in Part 135. 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. None related to Part 135.