



PURSUANT to Section 28 of the Civil Aviation Act 1990

I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *16th* day of *May* 2006

by **HARRY JAMES DUYNHOVEN**

[Handwritten signature of Harry James Duynhoven]
Minister for Transport Safety

Civil Aviation Rules

Part 129, Amendment 3

Foreign Air Transport Operator - Certification

Docket 3/CAR/4

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Rule objective

The objective of Amendment 3 to Part 129 is to make editorial and minor technical changes as part of a general rule fix up project.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 05-07, containing the proposed changes to Part 129 was issued for public consultation under Docket 3/CAR/4 on 23 June 2005.

The publication of this NPRM was notified in the *Gazette* on 23 June 2005 and advertised in the daily newspapers in the five main provincial centres on 25 June 2005. 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 37 days was allowed for comment on the proposed rule.

New Zealand Transport Strategy

The development of the NPRM and the proposed rule changes takes into account the objectives of the New Zealand Transport Strategy (NZTS) and the provisions of the Civil Aviation Amendment Act (No 2) 2004.

Summary of submissions

Nine written submissions were received on the NPRM. No submissions were received on the proposed amendments to Part 129.

During drafting of the final rule editorial amendment was made to rule 129.13 to remove duplication with rule 129.7(2).

The rule as proposed was then referred to Parliament's Regulations Review Committee before being signed by the Minister for Transport Safety.

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 the revocation of the existing rule and the substitution of the new rule.

Effective date of rule

Amendment 3 to Part 129 comes into force on 22 June 2006.

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 129 Foreign Air Transport Operator - Certification

Subpart A — General

Rule 129.13 is revoked and the following new rule is substituted:

129.13 Operations specifications

(a) A foreign air operator certificate issued in accordance with this Part must be accompanied by the operations specifications specified in paragraph (b).

(b) Operations specifications must contain—

- (1) the specific location of the certificate holder's principal base of operations; and
- (2) if different, the address that must serve as the primary point of contact for correspondence between the Director and the certificate holder; and
- (3) the certificate holder's New Zealand address for service; and
- (4) other business names under which the certificate holder may operate; and
- (5) the type of aircraft authorised for use; and
- (6) the kinds of operations authorised; and
- (7) the authorisation and limitations for routes and areas of operations; and
- (8) the names of aerodromes and alternates to be used; and
- (9) any exemption granted from any requirement of this or any other Part; and
- (10) any other item the Director determines is necessary to cover a particular situation.

Subpart C — Foreign Air Transport Operator — Operating Requirements

Rule 129.101 is revoked and the following new rule is substituted:

129.101 Continued compliance

- (a) A holder of a foreign air operator certificate must comply with the operations specifications required by rule 129.13.
- (b) A holder of a foreign air operator certificate must—
- (1) continue to meet the standards and comply with the requirements of Subpart B; and
 - (2) hold at least 1 current copy of those parts of the certificate holder's exposition required to be provided by rule 129.7(3), and its operations specifications, relevant to the Foreign Air Operator Certificate at each major location in New Zealand specified in the exposition; and
 - (3) comply with every procedure detailed in the certificate holder's exposition; and
 - (4) make each applicable part of the certificate holder's exposition and the operations specifications issued by the Director under this Part available to personnel who require those parts to carry out their duties.
- (c) A holder of a foreign air operator certificate must, on request by the Director, make available to the Director the certificate holder's exposition containing the details required by rule 129.63.

Rule 129.103 is revoked and the following new rule is substituted:

129.103 Changes to certificate holder's organisation

- (a) A holder of a foreign air operator certificate must—
- (1) ensure that the certificate holder's exposition is amended so as to remain a current description of the certificate holder's operations to, from, or within New Zealand; and

- (2) ensure that each amendment made to the certificate holder's exposition meets the applicable requirements of this Part and complies with the amendment procedures contained in the exposition.
- (b) If the holder of a foreign air operator certificate proposes to make a change to any of the following, prior application to and acceptance by the Director is required:
 - (1) the senior person or persons nominated in accordance with rule 129.63(a)(1):
 - (2) the base locations in New Zealand from which the certificate holder performs air transport operations:
 - (3) the scope of operations under the certificate, relative to operations to, from, or within New Zealand:
 - (4) the air operator security programme required by rule 129.61.
- (c) An application to make any of the changes specified in paragraph (b) must be made by the holder of a foreign air operator certificate on form CAA 24129/01.
- (d) The Director may specify conditions during or following any of the changes specified in paragraph (b).
- (e) The holder of a foreign air operator certificate must comply with any conditions specified by the Director under paragraph (d).
- (f) If any of the changes referred to in paragraph (b) requires an amendment to a foreign air operator certificate, the holder of the certificate must forward the certificate to the Director as soon as practicable.
- (g) The holder of a foreign air operator certificate must make such amendments to the certificate holder's exposition as the Director considers necessary in the interests of aviation safety or security.

Consultation Details

(This statement does not form part of the rules contained in Part 129. It provides details of the consultation undertaken in making the rules.)

Comments arising from the NPRM

The rule amendment was developed under docket 3/CAR/4 and published as NPRM 05-07. The consultation details relating to docket 3/CAR/4 are detailed in each affected rule.

Nine written submissions were received on the NPRM and none commented on the proposed amendments to Part 129.

The comments and all background material used in developing these rules are held on the docket. The docket is available for public inspection at Aviation House, 10 Hutt Road. Persons wishing to view the docket should contact the Docket Clerk on Phone 64-4-560-9603 and ask for docket 3/CAR/4.