



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

I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *22nd* day of *November* 2006

by **HARRY JAMES DUYNHOVEN**

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', is written over a faint, larger version of the signature. The signature is stylized and cursive.

Minister for Transport Safety

Civil Aviation Rules

Part 146, Amendment 1

Aircraft Design Organisations -- Certification

Docket 1/CAR/1357

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Rule objective

The objective of amendment 1 to Part 146 is to amend and update the rules relating to aircraft design organisations to delete the repetition of provisions in the Act regarding exemptions, to delete criteria relating to overseas applications for a design organisation certificate, to clarify requirements regarding organisation changes that require prior acceptance by the Director, and to delete redundant transition provisions.

Amendment 1 to Part 146 is associated with the following amendments to other Parts:

- Amendment 7 to Part 21
- Amendment 1 to Part 26
- Amendment 1 to Part 39
- Amendment 2 to Part 148

Extent of consultation

In 1999 the Civil Aviation Industry Rules Advisory Group (CIRAG) Executive established a Technical Study Group (TSG) to participate in a rule making project to amend and update various rules relating to the airworthiness and maintenance requirements for aircraft. A number of the issues to be addressed arose from an investigation carried out by the CAA in 1997 into the concerns about maintenance standards and practices for aircraft less than 5,700 kg maximum certified take-off weight (MCTOW). Other issues to be addressed arose from various petitions for amendments to be made to airworthiness and maintenance rules.

The TSG was made up of representatives from general aviation (fixed wing operators), aircraft maintenance organisations, helicopter operators, and the Aircraft Owners and Pilots Association. The TSG met 4 times and concluded its work in early 2002. The CAA continued to refine the draft rule proposals during 2002 and 2003 and released the draft rules to a representative industry group for comment before they were published for public consultation.

A Notice of Proposed Rulemaking, NPRM 05-05, containing the proposed rule amendments to Parts 21, 26, 39, 146, and 148 was issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

Two other associated Notices of Proposed Rulemaking, NPRM 05-04 dealing with amendments to Parts 1, 43, 91, and 145, and NPRM 05-06 dealing with amendments to Parts 119, 103, 104, 121, 125, 135, and 137, were also issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

The publication of these NPRMs was notified in the Gazette on 5 May 2005 and advertised in the daily newspapers in the 5 main provincial centres on 7 May 2005. The NPRMs were 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 46 days was initially allowed for comment on the proposed amendments to the rules and this was extended upon industry request for a further 10 days.

New Zealand Transport Strategy

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

Amendment 1 to Part 146 has been assessed as follows against the NZTS:

Assisting Economic Development— the rule amendment is unlikely to affect economic development:

Assisting safety and personal security— the rule amendment is unlikely to affect aviation safety:

Improving access and mobility—the rule amendment is unlikely to affect access and mobility issues:

Protecting and promoting public health— the rule amendment is unlikely to affect public health:

Ensuring environmental sustainability—the rule amendment is unlikely to affect environmental sustainability.

Summary of submissions

Eighty written submissions were received on the 3 NPRMs. None of the submissions related to the proposed amendments to Part 146.

The rule 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 existing rules, and the revocation of existing rules and replacing with new rules.

Effective date of rule

Amendment 1 to Part 146 comes into force on 1 March 2007.

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 146 Amendments

Subpart A — General

Rule 146.1 is revoked and replaced by the following new rule:

146.1 Purpose

This Part prescribes rules governing the—

- (1) certification and operation of an aircraft design organisation; and
- (2) issue of a delegation for the approval of a design change.

Rule 146.9 is revoked and replaced by the following new rule:

146.9 Issue of certificate

The Director must, in accordance with section 9 of the Act, grant a design organisation certificate to an applicant if the Director is satisfied that—

- (1) the applicant meets the requirements of Subpart B; and
- (2) the applicant and the senior person or senior persons required under rule 146.51(a) are fit and proper persons; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.

Rule 146.19 -Exemptions- is revoked:

Rule 146.21 –Overseas applications- is revoked:

Subpart C — Operating requirements

Rule 146.105 is revoked and replaced by the following new rule:

146.105 Changes to certificate holder's organisation

- (a) A holder of a design organisation certificate must ensure that the exposition for the holder's organisation is amended to reflect a current description of the organisation.
- (b) The certificate holder must —
- (1) ensure that any amendment to the exposition for the holder's organisation meets the applicable requirements of this Part; and
 - (2) comply with the amendment procedures contained in the exposition.
- (c) Subject to paragraph (d), the certificate holder must provide the Director with a copy of each amendment to the exposition for the holder's organisation as soon as practicable after the amendment has been incorporated into the exposition.
- (d) Prior notification to, and acceptance by, the Director is required if the certificate holder proposes to make a change to any of the following:
- (1) the chief executive;
 - (2) the listed senior persons;
 - (3) the scope of the design activities the certificate holder undertakes;
 - (4) the location at which work is carried out.
- (e) The Director may specify in writing conditions under which the certificate holder may operate during or following any of the changes specified in paragraph (d) to ensure continued compliance with the requirements of this Part.
- (f) The certificate holder must comply with the conditions specified by the Director under paragraph (e).

(g) If any change referred to in this rule requires an amendment to the design organisation certificate, the certificate holder must forward the certificate to the Director immediately, for amendment.

(h) The certificate holder must amend the exposition for the holder's organisation as the Director may consider necessary in the interests of aviation safety.

Appendix B — Transitional Arrangements

Appendix B is revoked:

Consultation Details

(This statement does not form part of the rules contained in Part 146. It provides details of the consultation undertaken in making the rules.)

A review of the continuing airworthiness and maintenance requirements for New Zealand aircraft has been under development since 1998 following a review of the state of aircraft maintenance that was carried out in 1997. The changes to Part 43 are the central part of a package of changes that update rules relating to the maintenance of aircraft. The package was developed under docket 1/CAR/1357 and published in May 2005 as 3 separate Notices of Proposed Rule Making, NPRM 05-04 dealing with Part 43 and related rule Parts 91, and 145, NPRM 05-05 dealing with Part 21 and related Parts 26, 39, 146, and 148, and NPRM 05-06 dealing with Part 119 and related Parts 103, 104, 121, 125, 135, and 137. The changes to the various rules are based on the 1997 review of aircraft maintenance and proposals arising from a CAA-Industry Technical Study Group set up in 1999.

The 3 Notices of Proposed Rulemaking, NPRM 05-04 Part 43 General Maintenance Rules, NPRM 05-05 Part 21 Certification of Products and Parts, and NPRM 05-06 Part 119 Air Operator – Certification, containing the proposed rules were issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

Comments arising from the NPRM

A total of eighty written submissions were received on the 3 NPRMs, mostly in relation to the Part 43 and 91 changes. The CAA has worked through these submissions and as a result has amended the rules where appropriate. None of the submissions related to the proposed changes to Part 146.

The structure of some rules has been amended and editorial changes have been made to provide clarity and, in some cases, to maintain consistency in the terminology used.

The consultation details associated with amendment 1 to Part 146 are contained in the consultation details of amendment 5 to Part 43. The submissions and all background material used in developing the rules are held on the docket file and are available for public inspection at Aviation House, 10 Hutt Road, Petone. Persons wishing to view the

docket should contact the Docket Clerk on Phone +64 560 9603 and ask for docket 1/CAR/1357.