



PURSUANT to Section 28 of the Civil Aviation Act 1990 and having had regard to the matters specified in section 33 of the Act,

I, CRAIG FOSS, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *26th* day of *August* 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 108, Amendment 11

Air Operator Security Programme

Docket 14/CAR/3

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Rule objective

The objective of Amendment 11 to Part 108 is to remove expired transition provisions.

This amendment forms part of the Omnibus 2014 rule project which also contains amendments to the following Parts:

Part 1	Part 93	Part 125
Part 12	Part 101	Part 135
Part 19	Part 102	Part 139
Part 43	Part 115	Part 145
Part 65	Part 119	Part 172
Part 91	Part 121	

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 15-01, containing the proposed changes to Part 108 and other rules was issued for public consultation under Docket 14/CAR/3 on 24 March 2015.

The publication of this NPRM was notified in the Gazette on 24 March 2015. The NPRM was published on the CAA web site and emailed to subscribers to the automatic alert service provided by the CAA.

A period of 24 days was allowed for comment on the proposed rule.

Summary of submissions

Two written submissions and no oral comments were received on the NPRM. No submissions related to the proposed amendment to Part 108.

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 existing rules with the amended rules.

Effective date of rule

Amendment 11 to Part 108 comes into force on 24 September 2015.

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

Replace the existing rule 108.55 with the following rule 108.55:

108.55 Security requirements – international

(a) An air operator security programme for an international regular air transport passenger service must have security procedures for flights within or from New Zealand for safeguarding passengers, crew, ground personnel, aircraft, and facilities, against an act of unlawful interference.

(b) The security procedures required by paragraph (a) must set out the means by which—

- (1) the requirements of rule 91.9 are complied with in relation to the carriage of firearms on board an aircraft; and
- (2) danger to the air operator's passengers, crew, and ground personnel is minimised in the event of a hijacking, bomb threat, or any other threat of unlawful interference; and
- (3) access to the air operator's unattended aircraft is controlled at all times to prevent unlawful interference with the aircraft; and
- (4) access to a security area or security enhanced area of a security designated aerodrome and to an operational area at any other aerodrome within New Zealand that is through the air operator's facilities or through any other access used by the air operator for passengers, personnel, baggage, cargo, freight, or aircraft supplies is controlled; and
- (5) temporary security measures are implemented to upgrade the security of the air operator's services within and from New Zealand if the Director finds or suspects an increased level of security risk to a person on an aircraft, or to an aircraft or an aerodrome and requires additional security measures; and
- (6) subject to paragraph (c), appropriate security controls are applied to baggage, cargo, courier parcels and mail intended for carriage on the air operator's aircraft; and
- (7) the safe conduct of a flight is achieved and the pilot-in-command notified, if 1 or more persons on board are

- required to travel on that aircraft because they are in lawful custody, or subject to other judicial or administrative proceedings, whether or not they are required to be escorted; and
- (8) a transit or transfer passenger and the passenger's carry on baggage is controlled to prevent an unauthorised article being taken on board the air operator's aircraft by the passenger; and
- (9) carry on items left in the cabin by a passenger disembarking from a transit flight are removed from the aircraft or otherwise dealt with in an appropriate manner before the flight departs unless—
- (i) the passenger screening process of the flight's originating State is acceptable to the Director; or
 - (ii) the flight is making an unscheduled stop; and
- (10) appropriate security controls are applied to cargo, baggage, mail, aircraft supplies, stores, and air operator's supplies which are moved within an aerodrome for carriage on the air operator's aircraft; and
- (11) every consignment of a package that is not cargo or mail but is intended for carriage on an air operator's aircraft, (whether unaccompanied or using commercial courier services) is screened; and
- (12) before boarding an air operator's aircraft, every passenger, crew member, and the carry on baggage of the passengers and crew members is screened in accordance with rule 108.63 in order to prevent a weapon, explosive, or other dangerous article or substance that may be used to commit an act of unlawful interference being taken onto the air operator's aircraft; and
- (13) baggage from a passenger who is not on the aircraft is prevented from being carried unless the baggage is authorised as required by paragraph (17); and

- (14) pre-flight checks of originating aircraft are undertaken, including procedures for discovering any suspicious object or anomaly that can conceal a weapon, explosive, or any other dangerous article or substance that may be used to commit an act of unlawful interference; and
 - (15) security control is provided for baggage from the point where it is checked in until it is placed on board the air operator's aircraft, if the baggage is for carriage on a passenger flight and has originated from a place other than an airport check-in counter; and
 - (16) except as provided for in paragraph (h), before being loaded onto an air operator's aircraft, every item of baggage that is not carry on baggage is screened in accordance with rule 108.63 in order to prevent a weapon, explosive, or other dangerous article or substance that may be used to commit an act of unlawful interference being loaded onto the air operator's aircraft; and
 - (17) only baggage that is authorised by the air operator is carried; and
 - (18) an unauthorised person is prevented from entering the flight crew compartment of the air operator's aircraft during flight.
- (c) An air operator must not allow cargo or mail to be loaded onto an aircraft carrying passengers unless—
- (1) the cargo or mail is received from a regulated air cargo agent and the consignment of cargo or mail is—
 - (i) accompanied by a declaration of security issued by the regulated air cargo agent; and
 - (ii) checked by the air operator to ensure that the consignment has not been tampered with; or
 - (2) if the air operator accepts the cargo or mail from a person who is not a regulated air cargo agent, the cargo or mail is

subjected to appropriate security controls, in accordance with paragraph (d); or

- (3) despite paragraphs (1) and (2), if the cargo or mail is subject to a direction to screen made by the Minister or the Director under sections 77A or 77B of the Act respectively, the cargo or mail has been screened in accordance with the direction and has been maintained in a secure state.

(d) If the air operator is to accept cargo or mail from a person who is not a regulated air cargo agent, the air operator must establish appropriate facilities and procedures that are equivalent to those required under the following rules for ensuring that the security controls required in paragraph (c)(2) meet the requirements of Part 109:

- (1) rule 109.53 (Facility requirements):
- (2) rule 109.55 (Cargo and mail security control procedures):
- (3) rule 109.57 (Screening procedures):
- (4) rule 109.59 (Authorisation procedures):
- (5) rule 109.61 (Procedures and register for a known customer):
- (6) rule 109.63 (Training of personnel):
- (7) rule 109.65 (Cargo security incidents):
- (8) rule 109.67 (Records).

(e) Details of the facilities and procedures required by paragraph (d) must be included in the air operator's security programme required by rule 108.65, Part 119 or Part 129.

(f) The procedures required by paragraph (b)(7) must include procedures for ensuring that in relation to the carriage of a person in lawful custody on a regular air transport passenger service—

- (1) the person is escorted; and

- (2) the escort confirms that the person is not carrying any item that may be used as a weapon; and
 - (3) the escort is equipped with adequate devices for restraining the person; and
 - (4) the pilot-in-command and senior flight attendant are notified of the location of, and the security arrangements for, the person; and
 - (5) alcoholic beverages are not served to the person or the person's escort; and
 - (6) metal utensils are not provided for the person's use; and
 - (7) the person is not seated in a seat or seat row next to an emergency exit; and
 - (8) the person is seated appropriately to ensure safe conduct of the flight is achieved; and
 - (9) not more than 1 person in custody is carried on an aircraft with a certificated passenger seating capacity of 29 seats or less and not more than 1 additional person in custody is carried for each additional 25 seats of certificated passenger seating capacity.
- (g) If a domestic air operator undertakes passenger or baggage check-in on behalf of an international air operator, or for transshipment onto an international regular air transport passenger service, the international air operator must ensure that the domestic air operator complies with the international air operator's security programme.
- (h) Paragraph (b)(16) does not apply to international transfer and transit baggage unless the Minister or the Director requires such baggage to be screened.
- (i) The requirements of paragraph (c)(1) and (2) do not apply to—
- (1) diplomatic mail that is carried in a diplomatic bag that is externally marked to identify its character and is

accompanied by signed documentation from an official of the dispatching diplomatic agency; or

(2) international transfer and transit cargo or mail.

(j) *[Revoked]*

Replace the existing rule 108.59 with the following rule 108.59:

108.59 Training of personnel

(a) An air operator security programme must have procedures for ensuring that—

(1) personnel responsible for carrying out security procedures detailed in the security programme are sufficiently trained to competently perform their tasks; and

(2) all other personnel employed in the maintenance and servicing of the aircraft have a basic awareness of air operator and aviation security; and

(3) training is conducted in a structured and coordinated manner by a person authorised by the air operator; and

(4) every person who is required to be trained undertakes the recurrent training segment of the training programme at an interval of not more than 3 years.

(b) The procedures required by paragraph (a) must contain—

(1) applicable segments for initial training and recurrent training; and

(2) knowledge testing or competency assessment as appropriate for the training conducted; and

(3) syllabi for each applicable security control function.

(c) *[Revoked]*

Replace the existing rule 108.60 with the following rule 108.60:

108.60 Records

(a) An air operator security programme must have procedures for identifying, collecting, indexing, storing, maintaining, and disposing of the records that are necessary to provide an accurate record for every person who is required to be trained under rule 108.59, including details of—

- (1) each segment of training that is undertaken; and
- (2) knowledge testing or competency assessment as appropriate for the training conducted.

(b) *[Revoked]*