

## **Civil Aviation Amendment Act 2004**

### **Purpose of this Document**

This document contains a reproduction of Schedule 1 of the Civil Aviation Amendment Act 2004. This schedule amends Rule Parts 1, 19, 91, 108, 119, 121, and 129.

Rule Part	Amendment Number
1	25
19	6
91	10
108	3
119	To come into force on a date appointed by Order in Council
121	
129	

Amendments to Rule Parts 1, 19, 91, and 108 came into force on 1 June 2004. The Schedule contains further amendments to Rule Parts 1, 19, 91, 108, 119, 121, and 129, to come into force on a date appointed by Order in Council.

**Schedule 1**  
**Consequential amendments to Civil Aviation Rules**  
(Part 1 to Part 2)

*Part 1*

**Amendments coming into force on a date appointed by Order in Council**

**Rule 1.1**

Insert, in their appropriate alphabetical order:

“**Australian AOC with ANZA privileges** has the same meaning as in section 3(1) of the Civil Aviation Act 1988 (Aust)

“**New Zealand AOC with ANZA privileges** has the meaning set out in section 11G of the Act”.

**Rule 1.3**

Insert, after the abbreviation “AMSL”, the following abbreviation:

“**ANZA** means Australia New Zealand Aviation”.

**Rule 19.15**

Add the following paragraph:

“(d) Nothing in paragraph (a) or paragraph (b) applies to aircraft engaged in air operations conducted in New Zealand under an Australian AOC with ANZA privileges.”

**Rule 19.201**

Add the following paragraph:

“(c) The conditions and requirements prescribed in 19.205 and 19.207 do not apply to air operations conducted in New Zealand under an Australian AOC with ANZA privileges.”

**Rule 91.1**

Add the following paragraph:

“(e) The following rules do not apply in the case of air operations conducted in New Zealand under an Australian AOC with ANZA privileges:

“(1) 91.111(1):

“(2) 91.112:

“(3) 91.115:

- “(4) 91.121:
- “(5) 91.123:
- “(6) 91.201(1)(i):
- “(7) 91.201(3):
- “(8) 91.205:
- “(9) 91.207:
- “(10) 91.209:
- “(11) 91.211:
- “(12) 91.213:
- “(13) 91.215:
- “(14) 91.221:
- “(15) 91.401:
- “(16) 91.501:
- “(17) 91.503:
- “(18) 91.505:
- “(19) 91.507:
- “(20) 91.509:
- “(21) 91.511:
- “(22) 91.513:
- “(23) 91.515:
- “(24) 91.517:
- “(25) 91.519:
- “(26) 91.521:
- “(27) 91.523:
- “(28) 91.525:
- “(29) 91.527:
- “(30) 91.529:
- “(31) 91.531:
- “(32) 91.533:

- “(33) 91.537:
- “(34) 91.539:
- “(35) 91.543:
- “(36) 91.545:
- “(37) 91.707:”

**Rule 108.1**

Omit the words “and Part 129” and substitute the words “, Part 129, and for operations conducted under an Australian AOC with ANZA privileges”.

**New rule 108.63**

Insert, after rule 108.61:

**“108.63 Air security programme required**

“The holder of an Australian AOC with ANZA privileges must establish and implement an air operator security programme that meets the relevant requirements of this Part.”

**Rule 119.1**

Revoke and substitute the following rule:

**“119.1 Purpose**

“(a) This Part prescribes requirements for the certification and continuing operations of persons domiciled in New Zealand conducting air operations under Parts 121, 125 and 135.

“(b) This Part does not apply to the holder of an Australian AOC with ANZA privileges.”

**Rule 119.11**

Omit paragraph (a) and substitute the following paragraph:

“(a) An applicant is entitled to an airline air operator certificate if the Director is satisfied that, in accordance with section 9 of the Act, -

“(1) the applicant meets the applicable requirements of sub-part B;  
and

“(2) the applicant, where the applicant is a natural person, and the applicant’s senior persons required by 119.51(a)(1) and (2) are fit and proper persons; and

“(3) the granting of the certificate is not contrary to the interests of aviation safety; and

“(4) in the case of a New Zealand AOC with ANZA privileges, the airline operations to, from, or within Australia will be conducted using

–

“(i) in the case of passenger operations, aircraft with a capacity of more than 30 passenger seats, or a maximum certificated take-off weight or more than 15,000 kg; and

“(ii) in the case of cargo or combined cargo and passenger operations, aircraft with a maximum certificated take-off weight of more than 15,000 kg or a maximum payload capacity of more than 3,410 kg.”

### **Rule 119.15(b)**

Add the words “; and” and the following paragraph:

“(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.”

### **New rule 121.15**

Insert, after rule 121.13:

#### **“121.15 Applicability to air operations conducted under an Australian AOC with ANZA privileges**

“The following rules do not apply in the case of air operations conducted in New Zealand under an Australian AOC with ANZA privileges:

“(1) 121.79:

“(2) 121.81:

“(3) 121.83:

“(4) 121.89:

“(5) 121.91(b):

“(6) 121.91(c):

“(7) 121.93

“(8) 121.803

“(9) 121.805.”

### **Rule 129.3**

Revoke the definition of “foreign air transport” operation and substitute the following definition:

“**foreign air transport operation** means an air transport operation conducted by a person not domiciled in New Zealand that is –

“(a) to or from New Zealand; or

“(b) within New Zealand as part of an air operation to or from New Zealand.”

#### **Rule 129.5**

Revoke this rule and substitute the following rule:

#### **“129.5 Requirement for certificate**

“(a) No person shall perform an operation to which this Part applies except under the authority of, and in accordance with, a foreign air operator certificate issued under this Part.

“(b) The requirements in paragraph (a) do not apply to air operations conducted in New Zealand under an Australian AOC with ANZA privileges.”

### ***Part 2***

#### **Amendments coming into force on 1 June 2004**

#### **Rule 1.1**

Revoke the definition of “dangerous goods” and substitute:

“**dangerous goods** means articles or substances that are capable of posing risk to health, safety, property, or the environment and –

“(a) are listed in, or classified in accordance with, the *ICAO’s Technical Instructions for the Safe Transport of Dangerous Goods by Air*; or

“(b) have properties that would result in the articles or substance being classified as dangerous goods under the *ICAO’s Technical Instructions for the Safe Transport of Dangerous Goods by Air*.”

#### **Rule 19.7**

Revoke paragraph (b).

#### **Rule 91.5**

Revoke paragraphs (a) and (b).

#### **Rule 91.7(b)**

Omit the words “New Zealand registered”.

#### **Rule 91.11**

Revoke and substitute:

**“91.11 Prohibition against interference with aircraft and aviation facilities**

“A person must not tamper or interfere with any aircraft, any component of an aircraft, or its equipment, including, but not limited to, smoke detectors, or with fixed or mobile equipment used for the operation or navigation of any aircraft.”

**Rule 108.53(b)(5)**

Insert, before the word “cargo”, the word “baggage,”.

**Rule 108.53(b)(8)**

Omit the words “and baggage” in both places where they appear and substitute in each case the words “, crew, and baggage”.

Omit the words “an aviation security organisation certificate issued under Part 140” and substitute the words “an aviation security service certificate issued in accordance with Part 140”.

Insert, before the word “Director”, the words “Minister or the”.

**Rule 108.55(b)(12)**

Omit the words “a passenger” and substitute the words “passenger, crew,”.

Omit the words “an aviation security organisation certificate issued under Part 140” and substitute the words “an aviation security service certificate issued in accordance with Part 140”.