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CIVIL AVIATION AUTHORITY
OF NEW ZEALAND

Advisory Circular
AC 109-1

Revision 3

29 August 2013

Regulated Air Cargo Agent – Certification

General

Civil Aviation Authority advisory circulars contain information about standards, practices, and procedures that the Director has found to be an **acceptable means of compliance (AMC)** with the associated rule.

An AMC is not intended to be the only means of compliance with a rule, and consideration will be given to other methods of compliance that may be presented to the Director. When new standards, practices, or procedures are found to be acceptable they will be added to the appropriate advisory circular.

An advisory circular may also include **guidance material** to facilitate compliance with the rule requirements. Guidance material must not be regarded as an acceptable means of compliance.

Purpose

This advisory circular provides guidance for compliance with the security requirements and standards of Part 109 for the carriage by air of cargo and mail on an aircraft conducting an international regular air transport passenger service.

Related Rules

This advisory circular relates specifically to Civil Aviation Rule Part 109.

Change Notice

Revision 3 corrects the reference to rule 12.55(d)(8) on page 18.

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Table of Contents

Subpart A – General 4
109.1 Purpose 4
109.3 Definitions 4
109.7 Application for Certificate 5
109.9 Grant of Certificate 5
109.15 Renewal of Certificate 5

Subpart B – Certification Requirements 5
109.51 Personnel Requirements 5
109.53 Facility Requirements 6
109.55 Cargo and Mail Security Control Procedures 7
109.55(a)(1) Security Controls for Cargo or Mail not received from a known customer 7
109.55(a)(2) Acceptance of Consignments from Known Customers 8
109.55(a)(3) Check of Statement of Content 9
109.55(a)(4) Storage of Cargo or Mail in Access Controlled Area 9
109.55(a)(5) Delivery of Cargo or Mail to an Air Operator 9
109.55(b) Persons Implementing Security Controls 10
109.57 Screening Procedures 10
109.57(a) Screening Procedures 10
109.57(b)(1) Methods of Screening 11
109.57(b)(2) Processes of Screening 11
109.57(b)(3) Authorisation of Screeners 11
109.57(b)(4) Periodic Testing of Screening Method 12
109.57(b)(5) Screening Equipment Maintenance 12
109.57(b)(6) Screening Method Failure 12
109.59 Authorisation Procedures 12
109.59(b) Authorisation to Enter an Access Controlled Area 13
109.59(c)(1)(i) Security Checks 13
109.61 Procedures and Register for Known Customers 14
109.61(a)(1) Known Customer has knowledge of Security Matters 14
109.61(a)(2) Known Customer's Systems and Procedures 15
109.61(b) Continued Application of Known Customer Requirements 16
109.61(c) Known Customer Register Details 17
109.63 Training of Personnel 17
109.65 Cargo Security Incidents 18
109.67 Records 18
109.69 Internal Quality Assurance 19
109.71 Organisation Exposition 19
109.71(a)(1) Corporate commitment 20
109.71(a)(2) & (3) Senior Persons 20
109.71(a)(4) Organisation Chart 20
109.71(a)(5) Staffing Structure 20
109.71(a)(6) Scope of Operations 20
109.71(a)(9) Detailed Procedures 20
109.71(a)(10) Controlling, Amending and Distributing the Exposition 20
109.71(b) Exposition Acceptance 20

Subpart C – Operational requirements 21
109.105 Changes to certificate holder's organisation 21
109.107 Persons to issue declaration of security 21
109.109 Entry to access controlled area 21

Appendix A Training Guidance Material 22
Competency Levels 22

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Security awareness training for staff who have access to air cargo within a RACAs access controlled areas 22
Training for staff implementing security controls 23

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Subpart A – General

109.1 Purpose

The requirements of Part 109 apply to cargo and mail being carried by air on aircraft conducting international regular air transport passenger services.

109.3 Definitions

Relevant definitions for Part 109 are contained in Part 1, Part 12 and rule 109.3. Key definitions are repeated below for ease of reference.

Access controlled, in relation to a particular area, means an area that is secured in a manner that prevents the entry of any unauthorised person.

Air operator means the holder of:

(1) an air operator certificate granted under section 9 of the Act (the Civil Aviation Act 1990) and in accordance with Part 119; or:

(2) a foreign air operator certificate granted under section 9 of the Act and in accordance with Part 129; or

(3) an Australian air operator certificate with ANZA privileges.

Cargo means any property carried on an aircraft other than mail, stores and baggage:

Cargo security incident means an incident involving cargo or mail that is carried, or has been accepted by a regulated air cargo agent or an air operator for carriage, by air on an aircraft conducting an international regular air transport operation passenger service, and —

(1) there is evidence of tampering or suspected tampering with the cargo or mail which could be an act or an attempted act of unlawful interference; or

(2) a weapon, explosive, or other dangerous device, article or substance, that may be used to commit an act of unlawful interference is detected in the cargo or mail.

Declaration of security means a declaration made in accordance with the requirements of Part 109 regarding a consignment of cargo or mail.

Known customer means a shipper of cargo or mail who has an established association with a regulated air cargo agent or an air operator for the carriage of the shipper's cargo or mail by air and who is registered with the regulated air cargo agent or the air operator.

Mail means any letter, package, parcel, postcard, or other article that is to be delivered by courier, a postal operator, or other postal agency, or diplomatic agency.

Regulated air cargo agent (RACA) means the holder of a regulated air cargo agent certificate granted under section 9 of the Act and in accordance with Part 109.

Security control means a method used to prevent the introduction on board an aircraft or at an aerodrome of a weapon, explosive or other dangerous device, article or substance that may be used to commit an act of unlawful interference.

Screening means the application of technical or any other means to detect a weapon, explosive, or other dangerous device, article or substance, that may be used to commit an act of unlawful interference:

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Note. — Certain dangerous articles or substances are classified as dangerous goods and must be transported in accordance with Part 92.

Statement of content means an accurate description of the items that are contained within a consignment of cargo or mail for carriage by air.

Unlawful interference means an act or attempted act endangering a passenger, crew member, ground personnel, aircraft, or facility.

109.7 Application for Certificate

The application form CAA 24109/01 is to be submitted to the Director of Civil Aviation at the following address:

Group Executive Officer
Aviation Infrastructure and Personnel
Civil Aviation Authority
PO Box 3555
Wellington 6140

The application is to be accompanied by the exposition required by rule 109.71[1]. The application form is available on the CAA website www.caa.govt.nz – see Air Cargo link on home page.

The current charge payable for the assessment of an application for a Regulated Air Cargo Agent (RACA) certificate is prescribed in the Civil Aviation Charges Regulations (No 2) 1991 at: www.legislation.govt.nz/regulations.

109.9 Grant of Certificate

RACA certificates are granted in accordance with section 9 of the Civil Aviation Act 1990. The Director has certain obligations when granting certificates. These include being satisfied that:

(1) the nominated senior persons in the organisation are fit and proper persons; and

(2) the applicant meets the applicable requirements of Civil Aviation Rule Part 109; and

(3) the exposition includes procedures detailing the organisation's methods of compliance with the relevant rules; and

(4) granting the certificate is not contrary to the interests of aviation safety or security.

109.15 Renewal of Certificate

The renewal of the certificate after 5 years is a re-entry process back into the aviation system. This will involve completing a new application with new fit and proper person assessments etc.

Subpart B – Certification Requirements

109.51 Personnel Requirements

To meet the requirement of rule 109.51(a), the "chief executive" and "senior persons" involved must be named in the exposition and full details provided with the application so that "fit and proper person" assessments in accordance with Section 10 of the Civil Aviation Act can be carried

[1] For a detailed explanation of what an exposition is and what it should contain, go to the notes on 109.71 on page 15 of this advisory circular.

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out by the CAA. Section 11 of the Act establishes the rights and appeal provisions where an adverse decision is made under the provisions of Section 10.

As part of the 'fit and proper person' assessment, applicants must provide the CAA with a Criminal and Traffic Offence history, including a report from the Ministry of Justice. CAA Form 24FPP needs to be completed for fit and proper person applications. This is available on the CAA website www.caa.govt.nz – see Air Cargo link on home page.

Those personnel who undertake tasks that require them to be authorised under rule 109.59 will also have to undergo the security check determination process required under that Part. Further details on this process are provided in this advisory circular under the heading of rule **109.59 Authorisation Procedures**.

Chief Executive

In the Civil Aviation Rules, the 'chief executive' is the person responsible for the financing and resourcing of the organisation holding the certificate. The organisation holding the RACA certificate could be the whole organisation or a branch of the parent organisation. In this way, 'chief executive' is simply the title given to the person identified in this position for the purposes of certification rather than the Chief Executive Officer of the parent organisation, or the organisation as a whole. For example if company 'A' is a multi-national organisation, the person identified as the Chief Executive for the RACA certificate may be the General Manager of the New Zealand branch of company 'A'. However, this person must be in control of, and able to make executive decisions about, the financing and resourcing of the RACA organisation in New Zealand, and ensure the RACA's exposition complies with the rule.

This person will need to demonstrate during initial application and at any other time, that they have the appropriate knowledge to control the organisation.

109.53 Facility Requirements

A RACA's facilities must be capable of providing a secure environment for receiving consignments of cargo or mail, applying security controls, storing consignments, and delivering the consignments to the air operator to ensure that consignments are not tampered with and to prevent the introduction of any weapon, explosive, or other dangerous device or substance that may be used to commit an act of unlawful interference. The exact nature of the facilities required may depend on the nature and scale of the RACA's operations and the scope of the services the organisation intends to provide. The following information is provided for guidance purposes.

The facilities must be arranged to ensure that the RACA's personnel are able to distinguish between a consignment of cargo or mail from an unknown customer and a consignment of cargo or mail that has had security controls applied to it or is known cargo. One method of achieving this may be to have storage areas within the facilities divided so that a clear distinction is maintained between cargo or mail that has been screened or come from a known customer, and cargo or mail that has been received from an unknown customer. Another method maybe to have the cargo or mail that is screened or known clearly labelled as such.

Some RACAs may wish to handle and allow an individual consignment of cargo or mail to move through their premises without issuing a declaration of security. If so, measures must be taken to ensure that such consignments are identifiable from those for which a declaration has been issued.

The facilities must also provide for the cargo that has been subject to security controls to be kept in an access controlled environment before it is delivered to the air operator for carriage on board an aircraft. Accordingly the cargo should not be left in an area that is accessible to the general public and not subject to access control unless appropriate security control of the cargo is maintained. An example of this situation would be where cargo is left on open road ways or freight shed car parks that are not fenced and open to the public. Even if the cargo is left for a short period of time, the

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security controls need to be sufficient to prevent the introduction of weapons, explosives, or any dangerous devices. These security controls should include the cargo being kept under sufficient direct supervision.

A RACA must have procedures to ensure that all persons who enter the access controlled areas are authorised by the RACA or are accompanied by a person who is authorised.

Further to this, rule 109.109 provides that a RACA must not permit a person to enter, and a person must not enter an access controlled area unless the person holds a valid written authorisation issued in accordance with the procedures required under rule 109.59(b); or the person is accompanied by a person who holds such an authorisation.

The outcome sought by this Rule is that the cargo is managed in a manner that will ensure its security from the time of acceptance from a known customer or having security controls applied until delivery to an air operator.

Without in any way reducing the responsibility of the RACA to prevent unauthorised access to their facilities, the documented procedures in the exposition will need to detail the immediate steps to be taken to report to management responsible for the facility in cases where:

(1) it has not been possible to prevent the access of any unauthorised person to the facility; or

(2) it is suspected that access controls may have been breached.

The actions detailed need to be appropriate to address any risk to cargo or mail and to ensure the integrity of the security controls previously applied to any cargo or mail that was physically present within the facility at the time in question.

If there has been any tampering or suspected tampering of the cargo or mail which could be an act or an attempted act of unlawful interference, the occurrence must be reported to CAA in accordance with the procedures required under rule 109.65.

109.55 Cargo and Mail Security Control Procedures

This rule requires a RACA to establish security control procedures in respect of consignments of cargo or mail before it is accepted for carriage on board any aircraft engaged in an international regular air transport passenger service.

In accordance with rule 109.71(a)(9), the procedures required under this rule must be either included in detail in the RACA's exposition or included at an outline level along with information that identifies the specific documentation that contains the detailed procedures in question.

The exact nature of the procedures required may also depend on the nature and scale of the RACA's operations and the scope of the services the RACA intends to provide.

109.55(a)(1) Security Controls for Cargo or Mail not received from a known customer

This specific requirement relates to cargo or mail received by a RACA from a person who is not a known customer to the RACA.

Security controls applied to cargo or mail received from a person who is not a known customer need to be sufficient to prevent any weapon, explosive or other dangerous device, article or substance that may be used to commit an act of unlawful interference from being placed on board the aircraft via this means.

Screening is a form of security control. Acceptable screening methods are listed in Appendix B.1 to the rule. Standards for the screening of cargo or mail are contained in rule 109.57. Information

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on practices and procedures that the Director considers to be an AMC with the provisions of rule 109.57 are referred to later in this AC.

The special nature of some types of cargo or mail to be transported by air means that they may not necessarily require screening, even if the cargo or mail is from an unknown customer. Information on the categories of cargo or mail that do not need to be screened is security sensitive and is not suitable for inclusion in this publically available AC. Relevant information for RACA certificate holders is available upon application from:

Security Regulatory Unit
Civil Aviation Authority
PO Box 3555
Wellington 6140
Email: security@caa.govt.nz

The RACA must have procedures to ensure any such categories of cargo received by them are still subject to the remaining secure storage, handling and transport provisions of the rule.

109.55(a)(2) Acceptance of Consignments from Known Customers

Where a consignment of cargo or mail is accepted by a RACA from one of its known customers the consignment must be accompanied by a statement of content.

The RACA's authorised person accepting a consignment of cargo or mail into the RACA's facility from a known customer must check the consignment for any evidence of tampering. Alternatively this check for tampering may take place at the time of pickup of the consignment from the known customer but in this situation, the individual picking up the consignment must be appropriately authorised by the RACA under rule 109.59 and the consignment must be protected from possible tampering.

The RACA's procedures for accepting a consignment of cargo or mail from a known customer must include a means for identifying any tampering to a consignment. Rule 109.61 requires that the known customer has appropriate systems and procedures for protecting a consignment of cargo or mail and this protection must be of a standard that will enable the RACA to readily identify any tampering with the consignment.

There are various means for protecting a consignment. The method of protection utilised by the RACA must be capable of maintaining the secure status of the consignment to prevent any undetected introduction of any weapon, explosive, or other dangerous device, article or substance that may be used to commit an act of unlawful interference.

One method of maintaining the secure status of a consignment is to have the consignment sealed. A seal may be on individual cartons/items of freight or encompass a larger consolidated consignment in palletised or other form.

Procedures for the placement of seals on cargo or mail, where appropriate, must be included within the processes established between the RACA and the known customer.

The CAA does not prescribe or mandate the use of any particular type of seal. Where a seal is used it must be capable of displaying identifiable evidence of any tampering to the RACA's authorised person who is accepting the consignment into the RACA's facility.

A seal affixed to a consignment for compliance with New Zealand Customs Service (NZCS) requirements is considered acceptable for meeting the Part 109 requirements. A RACA who wishes to utilise the NZCS seal system for meeting the Part 109 requirements must include in their exposition required under rule 109.71, a reference to this, and detail the processes involved in checking the integrity of the seal upon accepting the consignment into the RACA facility.

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Any seals applied for compliance with any other agency requirements will be assessed by the CAA for Part 109 compliance purposes on a case by case basis. An applicant for a RACA certificate who wishes to have any such seals considered for Part 109 compliance will need to include in their exposition, a reference to these and the processes involved in checking the seals integrity upon accepting the consignment into their facility. Any such seal will need to be capable of displaying identifiable evidence of tampering, in any individual instance, to the RACA's authorised personnel.

The procedures established with individual known customers for the acceptance of consignments do not need to be individually contained within the RACA's exposition. They may be held on individual files for each known customer but, in accordance with rule 109.71(a)(9)(iii),the exposition must contain an outline of the process involved in establishing the acceptance procedures and information that identifies the specific documentation containing the detailed procedures in question.

109.55(a)(3) Check of Statement of Content

The RACA must have procedures to ensure that the statement of content provided by a known customer for a consignment of cargo or mail is checked by a person authorised to do so by the RACA to ensure that the statement of content does not list any weapon, explosive, or other dangerous device, article or substance that may be used to commit an act of unlawful interference.

The statement of content must be identified as originating from the known customer. The RACA must have procedures to determine that the person presenting the statement of content to the RACA is a representative of the known customer. By way of guidance this may involve use of various forms of photo identification when presentation of the statement of content has been made personally by an individual. Where the statement of content has been delivered electronically the individuals approved by the known customer to issue statements of content must be listed in the procedures contained in the RACA's exposition.

The procedures established with individual known customers for statements of content do not need to be individually contained within the RACA's exposition required under Part 109.71. They may be held on individual files for each known customer with the exposition containing the processes involved in establishing the procedures and as required by Part 109.71(a)(9)(iii), information that identifies the specific documentation that contains the detailed procedures in question.

109.55(a)(4) Storage of Cargo or Mail in Access Controlled Area

The RACA must have procedures to ensure that any consignment of cargo or mail accepted by the RACA and which has had security controls applied to it is held in an access controlled area until delivery to the air operator. Where a consignment of cargo or mail has been loaded for transport to the air operator, the consignment must be stored in an access controlled area prior to transport.

If a consignment of cargo or mail is removed from the access controlled area at any time during storage, the RACA must have procedures to ensure the ongoing integrity of the security controls previously applied to the consignment.

109.55(a)(5) Delivery of Cargo or Mail to an Air Operator

A RACA must have procedures to ensure that every consignment of cargo or mail, handled in accordance with this rule, delivered to an air operator is accompanied by a declaration of security.

Where the RACA chooses to allow a consignment of cargo or mail to move through their premises without applying the appropriate security controls, the RACA must ensure that the consignment is not issued with a declaration of security and is identified as unknown cargo to the air operator.

CAA does not prescribe or mandate the use of any particular format for a declaration of security, but it must contain the information specified in A.1 of Appendix A to Part 109.

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A declaration of security must relate to a particular consignment of cargo or mail and must be signed by a person authorised by the RACA under rule 109.59.

The RACA is responsible for maintaining the security of a consignment of cargo or mail from the time the consignment leaves the RACA's access controlled area until the consignment is accepted by the air operator. If the RACA intends to use a third party to transport the consignment to the air operator then agreed and documented procedures need to be established (between the RACA and that third party) to ensure that the integrity of security controls applied to the consignment are maintained during transportation to the air operator.

This may include processes that allow for identification of any of tampering with the consignment of cargo or mail during the transportation process.

The seal processes referred to above in respect of rule 109.55(a)(2) are also considered an AMC for this rule requirement.

If a consignment of cargo or mail cannot be made tamper evident for transportation to the air operator then the transport operation must be carried out by a person who is authorised by the RACA in accordance with rule 109.59(a)(6). Such an authorisation can be issued by a RACA to an employee of a third party organisation as may be required in such cases but that employee would require a favourable security check determination by the Director. Further details on the authorisation process are contained below under the heading of rule **109.59 Authorisation Procedures**.

Relevant documented procedures for ensuring that any third party individual is aware of the RACA's responsibilities for transporting consignments of cargo or mail do not need to be individually contained within the RACA's exposition. The procedures may be held on individual files for each third party, but as required by rule 109.71(a)(9)(vi), the exposition must contain details of the process involved for ensuring that the third party is aware of their responsibilities including information that identifies the specific documentation containing the detailed procedures in question.

109.55(b) Persons Implementing Security Controls

The RACA must ensure that persons implementing security controls required by rule 109.55(a) are appropriately trained and hold an appropriate authorisation issued in accordance with rule 109.59.

Further information on these matters is provided below.

109.57 Screening Procedures

109.57(a) Screening Procedures

A RACA who intends to screen cargo or mail must have procedures for such screening. As required by rule 109.71(a)(9)(vii), the procedures required under this rule must be either included in detail in the RACA's exposition or included in the exposition at an outline level along with information that identifies the specific documentation that contains the detailed procedures in question.

If a RACA chooses not to screen cargo or mail, this needs to be identified in the exposition. In such instances the exposition needs to contain the procedures the RACA intends to utilise to ensure that in any cases where it arranges for consignments to be screened by a third party, this screening is carried out in accordance with Part 109.

These procedures (i.e. those relating to third party screening activity) must be detailed in the RACA's exposition or alternatively presented at an outline level in the exposition with information to identify the documentation containing the detailed procedures.

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109.57(b)(1) Methods of Screening

The procedures required under rule 109.57(a) must identify the methods of screening to be used by the RACA. Acceptable screening methods are listed in Appendix B.1.

109.57(b)(2) Processes of Screening

Procedures to be followed by each person conducting screening (using one or more of the methods identified in Appendix B.1) must be established.

As an example, these procedures may include the need to physically search items of cargo or mail where required or the application of another method or additional means of screening when an item subject to x-ray screening is unable to be clearly identified on the x-ray monitor.

Any method of screening to be used by the RACA must meet standards acceptable to the Director. The Director will need to take into account the ability of any particular screening method to detect an aviation threat sized quantity of explosive. A range of factors may impact on what quantity of explosive could be considered to be a "realistic aviation threat" in any particular instance.

When considering the acceptability of any individual screening system or method, the Director may give due regard to any prior acceptance or certification of such a system or method for cargo screening purposes by other international regulatory or technical bodies, including but not limited to the United States Transport Security Administration (TSA), the European Civil Aviation Conference (ECAC), or the United Kingdom Department for Transport (UK-DfT).

Detailed guidance material on the acceptability of screening methods and procedures is security sensitive and not suitable for inclusion in this publicly available AC. Relevant information for RACA certificate holders is available upon application from:

Security Regulatory Unit
Civil Aviation Authority
PO Box 3555
Wellington 6140
Email: security@caa.govt.nz

The documented procedures for the screening method must include procedures for the management of situations involving the detection of any suspected or actual explosive device or substance.

Some aspects of the procedures for managing these situations may vary depending upon the physical environment of individual RACAs premises, the size and nature of the item or consignment in question and the method of screening being applied at the time in question. It is also recognised that RACAs may have other pre-existing compliance requirements that relate to employee health and safety considerations and hazardous substances.

Accordingly it is neither practicable not desirable for CAA to specify a procedure that may be applicable in any particular situation. By way of guidance however any such procedure will need to provide for the safety of RACA personnel, and any other person whose safety may be comprised in such situations, the alerting of Police, and the actions to be taken to ensure that the consignment or item containing the suspected or actual explosive device or substance is controlled in a manner that mitigates the threat posed by it.

109.57(b)(3) Authorisation of Screeners

Persons conducting screening must be individually authorised in accordance with rule 109.59. The authorisation must specify what particular method of screening the individual is authorised to conduct.

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109.57(b)(4) Periodic Testing of Screening Method

Screening methods must be subject to periodic tests as per the requirements of Appendix B.2 of Part 109.

A test of the screening method should be completed at least once every 28 days to give ongoing assurance that the method is functioning as required and capable of delivering ongoing and appropriate levels of detection.

A test of the proficiency of the personnel who conduct screening methods should be conducted at least once every 150 days in accordance with the requirements of Appendix B.2 of Part 109.

Detailed guidance material on acceptable testing processes (including acceptable test pieces) is security sensitive and not suitable for inclusion in this publicly available AC. Relevant information for RACA certificate holders is available upon application from:

Security Regulatory Unit
Civil Aviation Authority
PO Box 3555
Wellington 6140
Email: security@caa.govt.nz

109.57(b)(5) Screening Equipment Maintenance

Technical equipment used for screening must be maintained to high standards to ensure that it remains capable of detecting, in cargo or mail consignments, any weapon, explosive, or other dangerous device or substance that may be used to commit an act of unlawful interference.

Equipment manufacturers will specify a programme of maintenance for the equipment which will generally be acceptable for the purpose of compliance with this Rule Part. Any such maintenance programme must be included within the RACA's exposition at either a detail or outline level. In the case of the latter, any such outline must include information that identifies the documentation that contains the maintenance programme.

109.57(b)(6) Screening Method Failure

If a failure of the screening method is detected, by the RACA either during a scheduled screening method test or during the screening process, the RACA must have procedures in place to assess the extent of the failure. The assessment process must include procedures to consider the need to recall any consignment of cargo that has been screened but not carried by the air operator at the time of the discovery of the failure. If the assessment of the screening method failure determines that cargo already screened and not carried by an air operator requires additional screening, then the RACA must have procedures in place to ensure this additional screening is applied.

109.59 Authorisation Procedures

A RACA must have procedures for the RACA to issue of an authorisation to the personnel who are employed by or contracted to the RACA to carry out the security control functions (applicable to the RACA's proposed activities) listed in rule 109.59(a)(1) – (7). The issue of an authorisation to an individual involves the following:

(1) the individual must be granted a favourable security check determination by the Director in accordance with section 77F of the Civil Aviation Act 1990

(2) the individual must be appropriately trained in accordance with the RACA's training programme required under rule 109.63

(3) the individual must be assessed as competent (in accordance with the training programme required under rule 109.63) to carry out the functions for which the authorisation is intended.

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Any contracted person working for more than one RACA must be authorised by each RACA. The authorisation by each RACA will require the contracted person to have been granted a favourable security check determination by the Director in accordance with section 77F of the Civil Aviation Act 1990. This check only needs to be completed once but the contracted person will need to supply each individual RACA with documented evidence that the person holds a favourable security check determination before the RACA can issue an authorisation to that person.

The RACA must have a training programme which details how they are going to train their personnel or the personnel of a contractor who carry out security control functions. The RACA can conduct their own training, outsource the training, in accordance with the RACA's training programme or identify the training of other organisations if it meets the RACA's requirements.

Guidance material on the training and competency assessment aspects are contained below under the heading of 109.63 Training of Personnel and Appendix A of this Advisory Circular.

An authorisation issued in accordance with rule 109.59 can only remain valid for a maximum period of 3 years. Any re-issue of an authorisation to a person must be in accordance with the rule 109.59(c) and that includes a new security check determination by the Director.

109.59(b) Authorisation to Enter an Access Controlled Area

An access controlled area is established to maintain a secure environment in which air cargo is stored in the RACA's premises so therefore there is a need to ensure appropriate control of persons entering that area.

This Rule requires the RACA to have procedures to issue an authorisation to every person, other than those escorted in accordance with rule 109.109(2),who is required to enter an access controlled whether the reason is to undertake security controls for the air cargo or for any other reason.

The RACA should include procedures to ensure that, in accordance with rule 109.109, persons who are granted permission to enter an access controlled area are authorised in accordance with rule 109.59(b) or are accompanied by a person who is duly authorised.

109.59(c)(1)(i) Security Checks

An authorisation must not be issued unless the person has undergone a security check, and been granted a favourable security check determination by the Director in accordance with Section 77F of the Civil Aviation Act 1990. The security check is required to determine whether or not the person poses a threat to aviation security.

Prior to any authorisation issued by the RACA, the identity of the person authorised must be confirmed as correct by the RACA. For confirmation of the identity of the person by the RACA one of the following forms must be presented to the RACA:

- A New Zealand Driver Licence
- A full birth certificate
- A certificate of New Zealand Citizenship
- A current refugee travel document used by or on behalf of the government of New Zealand
- A New Zealand or overseas passport
- A New Zealand Firearms licence
- A current certificate of identity
- A New Zealand Police or New Zealand Defence Force photo identity card issued to non-civilian staff

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A copy of the confirmation of identity must be retained by the RACA in accordance with rule 109.67.

Security check determinations will be conducted by Aviation Security Service staff under delegated authority from the Director.

Security check determination application forms and information on the application process are available on the Aviation Security Service Website www.avsec.govt.nz.

The RACA is responsible for ensuring that the application form is accurately completed, the details supplied are legible and the identity of the applicant has been verified on the form by a senior person in the RACA organisation. Accurate completion of the forms will assist in ensuring the checks can be conducted in the timeliest manner possible.

The application form requires a RACA to enter their CAA client number on it before it is submitted to the Aviation Security Service. This is to assist in ensuring appropriate coordination of security check determination and RACA certification and ongoing oversight activity by CAA. This number will be issued and advised by CAA to the RACA as soon as an initial application for certification under rule 109.7 is received by CAA. This will allow a RACA to submit security check determination applications for relevant staff in a timely manner ahead of any Part 109 certification being granted by CAA.

Where a person to be authorised is the holder of a current permanent Airport Identity Card (AIC) issued under rule 19.357 and will therefore have already undergone a previous security check for the issue of that AIC, an additional security check is not necessary for rule 109.59 authorisation purposes. Any authorisation issued on this basis however can only last until the AIC in question expires at which stage a new security check will be required for ongoing authorisation and AIC purposes.

109.61 Procedures and Register for Known Customers

This rule requires that a RACA:

(1) has procedures in place relating to their known customers and that these procedures deliver specific outcomes listed in rule 109.61.

(2) ensures that these procedures continue to deliver the required outcomes on an ongoing basis.

(3) maintains a register of their known customers.

As required by rule 109.71(a)(9) the procedures by which known customers are recognised by the RACA must be detailed in the RACA's exposition required under rule 109.71. Details specific to individual known customers need not be included in the exposition but the exposition must contain information that identifies the specific documentation in question.

109.61(a)(1) Known Customer has knowledge of Security Matters

This rule requires a RACA to establish procedures to explain to the known customer those security matters relating to the carriage of their (the known customers) cargo or mail along the supply chain.

Matters applicable to individual known customers may vary depending on the size and nature of their operation and the nature of the cargo or mail they submit for carriage.

A RACA will need to demonstrate that the security matters relevant to their potential known customer's operations have been identified and considered, and that these matters have been explained to, and understood by, the customer in question. The known customer must acknowledge that they understand those security matters. This may be in the form of a signed agreement or written acknowledgement that the security matters have been discussed and understood by them.

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The security matters relevant to the potential known customer's operations must include as a minimum, the systems and procedures listed in rule 109.61(a)(2) below.

109.61(a)(2) Known Customer's Systems and Procedures

A RACA must have procedures that allow for their known customers to demonstrate (to the RACA) that only intended items of cargo or mail are contained in consignments of cargo or mail forwarded to the RACA for carriage by air.

This could involve the RACA requiring the known customer to demonstrate and document measures in place to:

(1) secure the known customer's premises so that persons not permitted by the known customer are unable to access goods before and during packing; and/or

(2) ensure those persons who have access to the cargo or mail are known employees and the risk of unauthorised articles being placed in the cargo or mail is minimised.

As has been mentioned earlier the security measures applicable to an individual known customer may vary dependent upon the size and nature of their operation and the nature of the cargo they submit for carriage. The method of achieving the above requirements may vary in nature and CAA does not prescribe one method over another.

The outcome sought by this rule requirement is that the RACA has assurance that their known customers continue to comply with the procedures outlined in rule 109.61(a).

A RACA has the responsibility of ensuring that the known customer's procedures meet the requirements of this rule. In some cases a known customer may be registered with more than one RACA. To eliminate the need for duplication, where the established procedures of the known customer meet the requirements of each RACA's exposition on an ongoing basis then the known customer can be registered with both RACAs through the one process. This does not take away the responsibility of an individual RACA to ensure they maintain awareness of the ongoing status of such known customers and the means by which they will achieve this needs to be included in the exposition.

For each consignment of cargo or mail received by the RACA there must be a statement of content produced by the known customer. The RACA must have procedures to ensure the statement of content has originated from the known customer.

The statement of content must be an accurate description of the items that are contained within the consignment and can be in any form. A commercial invoice or packing slip that accompanies a consignment when shipped is an example of what an acceptable statement of content should provide.

Each consignment of cargo or mail forwarded by the known customer to the RACA should be protected from tampering or in a state that would display any signs of tampering. CAA does not prescribe or mandate the use of any form of protection from tampering, but the form of protection must be capable of displaying to a RACA any indications that the consignment has been subject to tampering.

A form of protection may involve the use of a seal or process of sealing the consignment.

A seal may be on individual cartons/items of freight or encompass a larger consolidated consignment in palletised or other form. Procedures for the placement of seals on cargo or mail must be included within the agreed procedures between the known customer and the RACA.

CAA does not prescribe or mandate the use of any particular seal. Where a seal is used it must allow for evidence of any tampering being identifiable by the RACA's authorised person who is

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accepting the consignment into their facility. Where a consignment of cargo or mail, by its nature, is unable to be sealed, procedures must be established that allow the RACA to identify whether or not the consignment has been tampered with when received into their facility.

Seals affixed to consignments for compliance with New Zealand Customs Service (NZCS) requirements are considered acceptable for Part 109 compliance purposes. A RACA who wishes to utilise NZCS seals for this purpose must include reference to this, and the processes involved in checking the seals integrity upon accepting the consignment into their facility, within their exposition required under rule 109.71.

Seals applied for compliance with other agency requirements will be assessed by CAA for Part 109 compliance purposes on a case by case basis. An applicant for a RACA certificate who wishes to have any such seals considered for Part 109 compliance will need to include reference to these and the processes involved in checking the seals integrity upon accepting the consignment into their facility, within their exposition required under rule 109.71. Any such seal will need to provide for evidence of tampering in any individual instance to be identified by the RACA's authorised personnel.

A RACA may receive consignments for carriage by air from a customer who is a member of the NZCS Secure Export Partnership Scheme. In such cases, if the RACA obtains documented evidence from that customer that they have procedures in place that have been, and continue to be, accepted by NZCS for the purposes of this scheme, the RACA may accept them as a known customer without needing to establish further detailed procedures.

In all such cases however the RACA's exposition will need to include the procedures by which they ascertain a particular customer is a member of the Secure Export Partnership Scheme, and remains so on an ongoing manner, and the means by which they ensure any particular consignment accepted from that customer has been subject to the applicable scheme measures.

Membership of any other scheme for compliance with other agency requirements in this regard will be assessed by the CAA for Part 109 compliance purposes on a case by case basis. A RACA who wishes to have any scheme considered for Part 109 known shipper recognition purposes will need to include reference to this within their exposition required under rule 109.71. Such reference will need to identify the particular scheme involved, the procedures by which the RACA ascertains a particular customer is a member of that scheme and remains so in an ongoing manner and the means by which they ensure any particular consignment accepted from that customer has been subject to the applicable scheme measures.

In all cases however the RACA must ensure that any consignment it receives from a known customer has not been subject to any tampering while being transported between the known customer's premises and the RACA's facilities, or that if any tampering has occurred that this is evident as per rule 109.55(2).

109.61(b) Continued Application of Known Customer Requirements

A RACA's documented procedures must include the means by which they ensure that the security controls implemented by the known customer continue to meet the requirements of rule 109.61(a)(1) & (2) on an ongoing basis.

Such procedures (i.e. the RACA's) must be acceptable to the Director.

Procedures applicable to individual RACAs and their known customers may vary dependent upon the size and nature of their operations and the nature of the consignments handled.

Accordingly it is neither practicable nor desirable to specify procedures that may be applicable in any particular case. As a guide however the RACA's documented procedures may include reference to:

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(1) documented observations made during visits to the known customer premises by representatives of the RACA; and/or

(2) documented agreements between the RACA and individual known customers that provide the Director with an assurance that the procedures required by rule 109.61(a)(1) & (2) are being maintained.

109.61(c) Known Customer Register Details

A RACA who intends to accept cargo or mail from known customers must keep a register which must contain the details of each known customer. The details must include those required in rule 109.61(c). This register can be kept in manual or electronic form but must be readily available to those employees of the RACA who are authorised to accept the air cargo from the known customer.

It is recommended that a procedure be established for personnel who accept air cargo from known customers to be made aware of the fact that a particular known customer has been removed from the register.

109.63 Training of Personnel

The training requirements apply to personnel who:

(1) have access to a consignment of cargo or mail that has been accepted by a RACA for carriage by air.

(2) carry out a security control function in relation to cargo or mail that is accepted by the RACA for carriage by air and who require an authorisation to do so under rule 109.59.

Any training required under this rule is to be carried out by a security instructor who has demonstrated competency to the satisfaction of the Chief Executive or a person nominated by the Chief Executive.

The scope of initial and recurrent training needs to be identified and tailored for the different categories of personnel involved in the application of specific security measures contained in the RACA's exposition.

Appendix A to this Advisory Circular provides guidance material on the content of the training and competency levels required for all personnel who have access to air cargo within a RACA's access controlled area or who are involved in the application of security controls, other than screening, for the RACA.

This material is not an exhaustive list but rather provides guidance to facilitate compliance with the syllabus content and competency requirements for training required under this Rule. Should a RACA desire to provide further training this is encouraged.

All personnel involved in screening functions must, at a minimum, be trained in the specific areas set out in Appendix C to Part 109 and achieve the specific competencies as listed there.

Personnel who undertake security control functions for the RACA must be assessed to be competent by the trainer before the person undertakes a particular security control function.

Recurrent training, as required under rule 109.63(c) must be at not more than 3 year intervals and should include refresher training on basic elements and instruction on—

(1) changes in regulatory requirements and standards; and

(2) changes to the organisation's procedures and programme; and

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(3) changes to the threat factor affecting the organisation's operations.

In addition to the training requirements prescribed in Part 109, the RACA needs to be aware of the responsibilities referred to in Section 12(4)(b) of the Civil Aviation Act 1990[2] regarding training and supervision of employees.

Where there has been a change to a RACA's procedures that may affect day to day operations, staff must be made aware of the change.

109.65 Cargo Security Incidents

Rule 12.55(d)(8) makes the reporting of cargo security incidents mandatory.

The incidents to be reported are where–

(1) there is evidence of tampering or suspected tampering with the cargo or mail which could be an act or attempted act of unlawful interference; or

(2) a weapon, explosive, or other dangerous device, article or substance that may be used to commit an act of unlawful interference is detected in the cargo or mail.

Information required for notification purposes is that specified under the heading of **Cargo security incident** in Appendix A to Part 12, i.e.

(1) date and time of the incident:

(2) brief description of the nature of the incident:

(3) details, if known, of where the incident may have occurred:

(4) name, organisation, and contact details of the person notifying the incident.

The RACA must have procedures to investigate the incident and implement corrective action to eliminate the cause of the incident, then put in place preventative action to stop the incident reoccurring.

Specific guidance material on the requirements for notification and investigation of incidents can be found in CAA Advisory Circulars AC12-1 and AC12-2 which are available on the CAA website: www.caa.govt.nz under Quick Links – Advisory Circulars.

109.67 Records

A RACA must have procedures to manage records required for a range of purposes specified under this rule. The procedures, as required under this rule, must be either detailed in the RACA's exposition required under rule 109.71 or included in the exposition at an outline level along with information that identifies the specific documentation that contains the detailed record keeping procedures in question.

Records may be kept in hard copy or electronic form and retained for the periods specified in the rule.

[2] Section 12(b) states that 'Every participant who holds an aviation document that authorises the provision of service with the civil aviation system shall provide training and supervision to all employees of the participant who are engaged in doing anything to which the document relates, so as to maintain compliance with the relevant prescribed safety standards and conditions attached to the document and to promote safety...'

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Personnel records must include those relating to all persons authorised by the RACA under rule 109.59. These records are to include the training undertaken by the individuals and a copy of the favourable security check determination relating to them. The records must contain the information required by this rule and be retained for the periods specified in rule 109.67(b).

109.69 Internal Quality Assurance

The purpose of the internal quality assurance system is to provide assurance to the Chief Executive that the organisation is in compliance with its exposition and its security objectives, and that the exposition demonstrates compliance with all the applicable rule requirements.

The internal quality assurance system requires basic quality management procedures and the creation of security policies. RACAs should not be concerned with over-complicating the system or introducing features that are not relevant to the size and scope of their operation. The quality management system should not stand aside from the operations, but should form part of the RACA's standard business practices.

Guidance material on the requirements for an internal quality control process can be found in CAA Advisory Circular AC00-3 which is available on the CAA website: www.caa.govt.nz under Quick Links – Advisory Circulars.

The senior person responsible for internal quality assurance is required to have a direct reporting responsibility to the Chief Executive for all internal quality assurance matters in relation to the security of cargo or mail. This senior person could delegate responsibility to other staff for their day to day duties but the company organisational structure must show this senior person as having the ability to report directly to the Chief Executive for the internal quality assurance matters.

109.71 Organisation Exposition

General requirements

RACAs should consider the exposition as a general description of how their operation works, a tool of management in the operation of the business, and a means of instructing staff in how they are to perform their tasks. A properly written exposition can be concise and very effective.

The purpose of an exposition is to express the Chief Executive's requirements for the conduct of the organisation and state how the organisation will meet the regulatory requirements. It sets out the procedures, means and methods of a certificated organisation. The philosophical benefits of the manual are considerable and important to the security of air cargo.

The exposition is the means by which an organisation defines its operation, and shows both its employees and the CAA how it will conduct its day-to-day business and ensure compliance with the rules.

An exposition should commence with the corporate commitment by the Chief Executive. The remaining parts of the exposition may be produced as any number of separate procedures, sections or as one simple document depending on the extent of the operations proposed.

Depending on an organisation's structure and size, the parts of the exposition could be arranged as—

- Management Policy
- Operations
- Training
- Quality Assurance

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Senior persons should hold copies of those parts of an exposition that affect their area of responsibility, and staff must be familiar with those parts of an exposition that affect their area of employment.

109.71(a)(1) Corporate commitment

The statement by the Chief Executive is accepted by the CAA as a corporate commitment by the organisation. It should clearly state the goals and objectives of the organisation in respect of the security controls prescribed by Part 109. It may also contain the organisation's goals and objectives in respect of its commercial activities. The exposition is intended to be a tool of management and is the means by which the organisation's operation is presented to its staff, its customers, and the CAA.

109.71(a)(2) & (3) Senior Persons

The titles and names of the senior persons within the organisation must be listed in the exposition. Their duties and responsibilities, and the areas in which they are directly responsible for liaison with the Director must be clearly defined.

109.71(a)(4) Organisation Chart

There must be an organisation chart showing the reporting lines of the organisation. The chart must show the lines of responsibility from the nominated senior persons to the Chief Executive. The exposition must show the staffing arrangements at each place where the organisation intends to carry out security control functions relating to air cargo and mail.

109.71(a)(5) Staffing Structure

This is a summary of staff at each location. This does not require the names of individuals but should identify staff numbers for functions and operations that are to be conducted.

109.71(a)(6) Scope of Operations

The organisation is required to identify each location at which it intends to carry out security control functions relating to air cargo and mail and the scope of activity at those locations. It does include functions that are contracted out, such as applying security controls to unknown air cargo.

109.71(a)(9) Detailed Procedures

The procedures should accurately describe the organisation's practices related to its operations.

These could take the form of written text, audio-visual, or be simplified by flow charts, forms, performance graphs, etc with written explanation.

109.71(a)(10) Controlling, Amending and Distributing the Exposition

The exposition must have procedures to ensure that any amendments to, and distribution of, the exposition is controlled. These procedures should detail who amends the exposition, how it is amended and how it is distributed. The front of the exposition should have a list of affected pages, an amendment record and a distribution list.

Every amendment to the exposition must be provided to the Director as soon as practical after the amendment in accordance with rule 109.105.

109.71(b) Exposition Acceptance

RACAs should take ownership of, and responsibility for, their exposition. The exposition should work for the RACA by being relevant to their operations and clearly written.

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The acceptance of an organisation's exposition by the Director is one step in the process of certification. Unless the Director accepts an exposition a certificate cannot be issued. The exposition must also remain acceptable to the Director and that includes any amendments that are made to the exposition.

Subpart C – Operational requirements

109.105 Changes to certificate holder's organisation

Rule 109.105(b) requires that the RACA notifies the Director of any change to the Chief Executive or the senior persons, and that that the change must be acceptable to the Director before being incorporated into the certificate holder's exposition.

The intention of this rule is not for the Director to approve the change of these people per se, which is an employment matter, but to approve the process of the change and approve the new person or people coming into those roles.

For example, if the Chief Executive (CE) resigns, this must be notified to the Director along with how this change is going to be managed. The Director may impose conditions on the certificate holder's operations if required until a new CE is appointed. The new CE must be acceptable to the Director, that is the person must be a fit and proper person and meet any other applicable requirements, before being listed as the CE on the certificate holder's exposition. This also applies to a change in any of the senior persons listed in the exposition.

109.107 Persons to issue declaration of security

All persons who issue a declaration of security must hold a valid written authorisation from the RACA. Under the Civil Aviation (Offences) Regulations, there is a penalty for issuing a declaration of security without meeting the requirements of rule 109.107 which carries a maximum penalty of $10,000 for an individual and $50,000 for a body corporate.

109.109 Entry to access controlled area

Rule 109.109 puts a requirement on a RACA to not permit a person to enter, and on an individual to not enter an access controlled area unless—

(1) the person holds a valid written authorisation issued in accordance with the procedures required under rule 109.59(b); or

(2) the person is accompanied by a person who holds an authorisation referred to in paragraph (1).

Requirements for ensuring that the access controlled area is maintained in a secure manner are covered under rule 109.53.

Penalties relating to a breach of this Rule part are fines of $10,000 for an individual and $50,000 for a body corporate.

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Appendix A Training Guidance Material

This Appendix provides guidance material on the content of the training and competency levels required for all personnel who have access to air cargo within a RACA's access controlled area or are involved in the application of security controls, *other than screening*, for the RACA. All *personnel involved* in screening functions must, at a minimum, be trained in the specific areas set out in Appendix C to Part 109 and achieve the specific competencies as listed there.

This material is not an exhaustive list but rather provides guidance to facilitate compliance with the syllabus content and competency requirements for training required under Part 109. Specific training necessary for compliance purposes may vary with reference to the nature and scale of the RACA's operations and the scope of the services they intend to provide.

Should a RACA desire to provide further training this is encouraged.

A suggested means for a RACA to establish that an individual has reached the levels of competency suggested for each topic is to ensure that each individual sits a written examination at the end of their training. Any such examination would need to be under the supervision of the organisation's security instructor referred to under the heading of 109.63 Training of Personnel in this advisory circular.

Competency Levels

The levels of understanding and associated competence required to meet rule 109.63(b)(1)(iii) for each of the topics listed below is as follows:

(1) grade 1 denotes awareness of the subject:

(2) grade 2 denotes a basic knowledge of the subject:

(3) grade 3 denotes the ability to apply a basic knowledge of the subject in a situation that is likely to arise in the course of the person's duties:

(4) grade 4 denotes the ability to apply a thorough knowledge of the subject in a situation likely to arise in the course of the person's duties:

(5) grade 5 denotes the ability to apply a thorough knowledge of the subject and to exercise sound judgement in situations likely to arise in the course of the person's duties.

Security awareness training for staff who have access to air cargo within a RACAs access controlled areas

(a) Objectives and organisation of aviation security

Staff should be competent to a level of grade 2 and be able to

- describe the types of people who may pose a threat to civil aviation:
- explain why civil aviation is an attractive target for terrorist groups and others in attempting unlawfully to interfere with civil aircraft:
- state the responsibilities of the Civil Aviation Authority in relation to security of air cargo:
- state why air cargo activities are vulnerable to attack: and
- write an incident report and know to whom it should be sent.

(b) Principles of the air cargo security control requirements

Staff should be competent to a level of grade 3 and be able to:

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- state the overall objectives of the security controls measures relating to air cargo;
- explain the difference between known and unknown customers (Rule 109.55);
- explain the differences in internal company procedures for handling cargo from known and unknown customers; and
- state the RACA's responsibility and obligations in relation to Part 109.

(c) Access Control and Air Cargo Protection

Staff should be competent to a level of grade 4 and be able to state:

- the purpose of access control and cargo protection;
- the methods of access control and cargo protection used by the RACA (Rule 109.53); and
- who to contact in the event of a problem.

Training for staff implementing security controls

(a) Objectives and organisation of aviation security

Staff should be competent to a level of grade 3 and be able to

- describe the types of people who may pose a threat to civil aviation:
- explain why civil aviation is an attractive target for terrorist groups and others in attempting unlawfully to interfere with civil aircraft:
- state the responsibilities of Civil Aviation Authority in relation to security of air cargo:
- state why air cargo activities are vulnerable to attack: and
- write an incident report and know to whom it should be sent.

(b) Principles of the air cargo security control requirements

Staff should be competent to a level of grade 5 and be able to explain:

- the difference between known and unknown customers (Rule 109.55);
- the procedures within the company for handling cargo from known and unknown customers;
- the requirements of rule 109.55 in relation to acceptance of air cargo from known and unknown customers;
- the requirements of rule 109.61 in relation to the systems and procedures implemented by the known customers;
- procedure for the issue of a declaration of security (Rule 109.107)

(c) Access Control and Air Cargo Protection

Staff should be competent to a level of grade 5 and be able to explain:

- the purpose of access control and cargo protection;
- the methods of access control and cargo protection used by the RACA (Rule 109.53); and
- the key responsibilities of staff ensuring access controls are applied;
- the action to be taken in the event the access controls are circumvented.