



**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 26<sup>th</sup> day of August 2015

by **HON CRAIG FOSS**

A handwritten signature in black ink, appearing to read 'Craig Foss', is written over the printed name.

Associate Minister of Transport

**Civil Aviation Rules**

**Part 65, Amendment 5**

**Air Traffic Service Personnel Licences and Ratings**

*Docket 14/CAR/3*

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**Rule objective**

The objective of Amendment 5 to Part 65 is to update the titles of ratings; and make associated editorial changes.

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

Part 1	Part 101	Part 125
Part 12	Part 102	Part 135
Part 19	Part 108	Part 139
Part 43	Part 115	Part 145
Part 91	Part 119	Part 172
Part 93	Part 121	

**Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 15-01, containing the proposed changes to Part 65 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. One submission related to the proposed amendments to Part 65. That submission has been considered and as a result the final rule was redrafted to provide a 12 month transition for holders of an area control automatic dependent rating. Consultation details are listed on page 11.

**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 5 to Part 65 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 65.7 with the following rule 65.7:*

**65.7 Licences and ratings**

(a) The following air traffic service licences and ratings may be granted by the Director under section 9 of the Act in accordance with the applicable requirements of this Part:

- (1) air traffic trainee licence:
- (2) air traffic controller licence:
- (3) flight service trainee licence:
- (4) flight service operator licence:
- (5) flight radiotelephone operator rating:
- (6) air traffic controller ratings:
  - (i) aerodrome control rating:
  - (ii) approach control procedural rating:
  - (iii) approach control surveillance rating:
  - (iv) area control procedural rating:
  - (v) area control surveillance rating:
  - (vi) before 24 September 2015, area control automatic dependent rating:
- (7) flight service operator ratings:
  - (i) oceanic air-ground rating:
  - (ii) aerodrome flight information rating:
  - (iii) area flight information rating:
- (8) air traffic service instructor rating:

- (9) air traffic service examiner rating.
- (b) An air traffic service instructor rating and an examiner rating must be shown on the holder's licence.
- (c) Any other rating, except those specified in paragraph (b), and any validation issued under this Part to a holder of an air traffic service licence must be recorded in the licence holder's logbook, and may be shown on the holder's licence.

***Replace the existing rule 65.301 with the following rule 65.301:***

**65.301 Applicability**

This Subpart prescribes rules governing—

- (1) the issue and validation of the following air traffic controller ratings—
  - (i) aerodrome control rating;
  - (ii) approach control procedural rating;
  - (iii) approach control surveillance rating;
  - (iv) area control procedural rating;
  - (v) area control surveillance rating; and
- (2) the privileges and limitations of those ratings; and
- (3) where a person's air traffic controller rating refers to an—
  - (i) approach control rating, it is deemed to be an approach control procedural rating; and
  - (ii) approach control radar rating, it is deemed to be an approach control surveillance rating; and
  - (iii) area control rating, it is deemed to be an area control procedural rating; and

- (iv) area control radar rating, it is deemed to be an area control surveillance rating.

***Replace the existing rule 65.303 with the following rule 65.303:***

**65.303 Eligibility requirements**

(a) To be eligible for an air traffic controller rating and an initial validation of that rating a person must—

- (1) hold an air traffic controller licence; and
- (2) have satisfactorily completed a training course relevant to the rating and validation, in the following subject areas—
  - (i) aerodrome control rating: aerodrome layout; physical characteristics and visual aids, airspace structure; applicable rules, procedures and source of information; air navigation facilities; air traffic control equipment and use; terrain and prominent landmarks; characteristics of air traffic; weather phenomena; emergency and search and rescue plans:
  - (ii) approach control procedural and area control procedural ratings: airspace structure; applicable rules, procedures and source of information; air navigation facilities; air traffic control equipment and its use; terrain and prominent landmarks; characteristics of air traffic and traffic flow; weather phenomena; emergency and search and rescue plans:
  - (iii) approach control surveillance and area control surveillance ratings: as for subparagraph (ii) in so far as they affect the area of responsibility, plus — Principles, uses and limitations of radar, other surveillance systems and associated equipment; procedures for the provision of approach or area radar control services, as appropriate, including procedures for ensuring appropriate terrain clearance; and

- (iv) *[Revoked]*
- (3) have completed the following applicable experience under the direct supervision of an appropriately rated holder of an air traffic service instructor rating:
- (i) aerodrome control rating: an aerodrome control service, for at least 90 hours or one month, whichever is the greater, at the aerodrome for which the rating is sought;
  - (ii) approach control procedural, approach control surveillance, area control procedural, area control surveillance ratings: the control service for which the rating is sought, for at least 180 hours or 3 months, whichever is the greater, providing the service at the unit for which the rating is sought; and
- (4) have passed examinations relevant to the privileges of the rating, in the subject areas specified in paragraph (2), conducted by—
- (i) the holder of an air traffic service certificate granted under section 9 of the Act and in accordance with Part 172, where the certificate authorises the holder to conduct those examinations; or
  - (ii) the holder of an aviation training organisation certificate granted under section 9 of the Act and in accordance with Part 141, where the certificate authorises the holder to conduct those examinations; and
- (5) have demonstrated to the holder of an appropriate air traffic service instructor rating, the skill, judgement, and performance required to provide a safe, orderly, and expeditious control service, at the unit for which the rating is sought.
- (b) The training required to be completed by paragraph (a)(2) must be conducted by—



- (1) the holder of an air traffic service organisation certificate referred to in paragraph (a)(4)(i), where the certificate authorises the holder to conduct that training; or
  - (2) the holder of an aviation training organisation certificate referred to in paragraph (a)(4)(ii), where the certificate authorises the holder to conduct that training.
- (c) To be eligible for validation of an existing air traffic controller rating for an additional location a person must—
- (1) have completed the training required by paragraph (a)(2) for the additional location; and
  - (2) have complied with the requirement of paragraph (a)(5) for the additional location.

***Replace the existing rule 65.307 with the following rule 65.307:***

**65.307 Privileges and limitations**

- (a) Subject to paragraph (b), the following air traffic controller ratings authorise the holder to exercise the corresponding privileges—
- (1) aerodrome control rating: to provide aerodrome control service at the aerodrome or aerodromes for which the rating is validated:
  - (2) approach control procedural rating: to provide approach control service for the aerodrome or aerodromes for which the rating is validated:
  - (3) approach control surveillance rating: to provide approach control service with the use of applicable ATS surveillance systems, for the aerodrome or aerodromes for which the rating is validated:
  - (4) area control procedural rating: to provide area control service within the control area or areas for which the rating is validated:

- (5) area control surveillance rating: to provide area control service with the use of applicable surveillance systems, within the control area or areas for which the rating is validated.
  
- (b) Before exercising the privileges of a rating, the holder must be familiar with all current information relevant to that rating.

## **Consultation Details**

*(This statement does not form part of the rules contained in Part 0. It provides details of the consultation undertaken in making the rules.)*

A Notice of Proposed Rulemaking, NPRM 15-01Omnibus 2014, containing the proposed rules was issued for public consultation under Docket 14/CAR/2 on 24 March 2015.

One response to the NPRM was received that was pertinent to the proposed changes in Part 65.

The submitter stated:

“Airways supports the deletion of the existing area control automatic dependent surveillance rating but do not support this occurring at this current time.

This is the 'prime' rating under which Oceanic controllers operate and it may be that some Oceanic controllers do not hold an area rating.

Airways can confirm that approximately 75% of the Advisory Circular 65-7.6 Air Traffic Service Personnel Licences and Ratings – Air Traffic Controller Ratings – Area Control Automatic Dependant Surveillance Rating syllabus is not contained within the Area Control Rating.

Advisory Circular 65-7.6 was updated and published in February 2014; during this process the CAA did not advise [us] there was a concern regarding this particular rating. Airways need to review the syllabi and we would need to do extensive additional work to amend the training and documentation.

Airways requests the proposal to delete the existing area control automatic dependent surveillance rating be removed from this Omnibus and be included in a future Omnibus rule change once Airways have completed the required analysis and changes.”

## **CAA Response**

*The CAA agrees with the submission, however, a transitional clause in the rule is included to allow the existing rating to remain valid for one year after the rule comes into force (refer explanation below). Further, an advisory circular will be issued outlining the transitional*

*arrangement with a table to show the old rating and current ICAO terminology, while existing ACs 65-7.2 to -7.5 are accordingly amended and content from redundant AC 65-7.6 is incorporated into AC 65-7.4.*

*The CAA is aligning Part 65 ratings terminologies with current ICAO standards including containing the present and unique ADS rating within the Area Procedural Control rating.*

*Unlike ADS-B, ADS-C is not an ATS surveillance system approved by ICAO (or member States) to provide an ATS surveillance service; ADS-C, in conjunction with CPDLC, comprise an Oceanic Control System facility used to support an area procedural control service in oceanic airspace. For the purpose of correcting the terminology, legacy arrangements for up to one year may be applied while the transition is managed. This will be explained in the transitional arrangements in the AC.*