



**WELLINGTON NEW ZEALAND**

**PURSUANT** to Section 28 of the Civil Aviation Act 1990

**I, HARRY JAMES DUYNHOVEN**, Associate Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *24th* day of *June* 2003

by **HARRY JAMES DUYNHOVEN**

Associate Minister of Transport

**Civil Aviation Rules**

**Part 129, Amendment 2**

**Foreign Air Transport Operator - Certification**

*Docket 2/CAR/2*

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### **Part 129 Amendments**

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### **Consultation Details**

**Rule objective**

The objective of amendment 2 to Part 129 is to require turbine powered aeroplanes above a specified weight or passenger seating capacity operated in New Zealand by foreign operators certificated under Part 129 to be equipped with ACAS II from the date this rule amendment becomes effective.

**Extent of consultation**

In August 2001 the Civil Aviation Industry Rules Advisory Group (CIRAG) Executive accepted the terms of reference for the establishment of a Technical Study Group (TSG) to participate in a rule making project to introduce New Zealand requirements for airborne collision avoidance systems in accordance with the ICAO standards. The details of this proposal have been developed in consultation with the TSG under the CIRAG consultative process.

Participants on the TSG were drawn from the following sectors of the aviation industry:

- (a) Air traffic services (ATS);
- (b) New Zealand Airline Pilots Association (NZALPA);
- (c) Part 121 operators;
- (d) Part 125 operators;
- (e) Operators of freighter aeroplanes;
- (f) Aircraft Owners and Pilots Association (AOPA);
- (g) Gliding New Zealand (GNZ).

In addition operators of sightseeing aircraft in the Queenstown area were briefed on the rule proposals and given the opportunity to provide feedback.

A total of four TSG meetings were held from August 2001 to November 2001.

A Notice of Proposed Rulemaking, NPRM 02-02, containing the proposed rule to require Part 121 aeroplanes to be equipped with ACAS

It was issued for public consultation under Docket 2/CAR/2 on 14 December 2001.

The publication of this NPRM was notified in the Gazette on 13 December 2001 and advertised in the daily newspapers in the five main provincial centres on 15 December 2001. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 84 days was provided for comment on the proposed rule.

### **Summary of comments**

Two written submissions were received on the NPRM. The Board of Airline Representatives of New Zealand, which represents the foreign airlines operating to New Zealand submitted that they had no objection to the proposed rule.

Cathy Pacific Airlines lodged a submission stating that its aeroplanes are equipped with ACAS II and will therefore be in compliance with the proposed rule.

### **CAA changes in final rule**

On reviewing the proposed rule the CAA considered that, in order to align completely with ICAO standards, maximum certificated takeoff weight (MCTOW) and passenger seating capacity limits should be included below which the requirement for an aeroplane to be equipped with ACAS does not apply.

As a result the proposed rule has been changed such that only turbine powered aeroplanes above 5700 kg MCTOW or with a passenger seating configuration of more than 19 passengers are required to be equipped with ACAS II.

This change is a relaxation of the original proposed rule.

The rule as amended was then referred to Parliament's Regulations Review Committee before being signed by the Associate Minister of Transport.

**Examination of comments**

Comments may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

**Insertion of Amendments**

The amendments to the rules in this Part are reflected by the insertion of a new rule.

**Effective date of rule**

Amendment 2 to Part 129 comes into force on 1 August 2003.

**Availability of rules**

Civil Aviation Rules are available from—

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

Freephone: 0800 GET RULES (0800 438 785)

## Part 129 Amendments

*The following new rule is inserted:*

### **129.105 Airborne Collision Avoidance System (ACAS II)**

A holder of a foreign air operator certificate must ensure that a turbine-powered aeroplane, with a MCTOW greater than 5700kg or a passenger seating configuration greater than 19 seats, operated to, from, or within New Zealand under that certificate is equipped with an ACAS II that meets the requirements of FAA TSO-C119b.

## Consultation Details

(This statement does not form part of the rules contained in Part 129. It provides details of the consultation undertaken in making the rules.)

The consultation details relating to amendment 2 to Part 129 are contained in the consultation details of amendment 10 to Part 121. The comments and all the background material used in developing the rules are held on the docket and are available to the public. Persons wishing to view the docket should call at the Civil Aviation Authority and ask for docket 2/CAR/2.