



**WELLINGTON NEW ZEALAND**

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

**I, MARK GOSCHE**, Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *25th* day of *June* 2002

by **MARK GOSCHE**

*John Lyne*  
Minister of Transport

*Acting Minister*

**Civil Aviation Rules**

**Part 172, Amendment 3**

**Air Traffic Service Organisations—Certification**

*Docket 98/CAR/1304*

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### **Part 172 Amendments**

#### **Subpart A—General**

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**Rule objective**

The objective of amendment 3 to Part 172 is to incorporate the changes regarding clarification of New Zealand's obligations for the provision of air traffic services in the Auckland Oceanic Flight Information Region (FIR), that are consequential to amendment 1 to Part 71 *Designation of Airspace* regarding the change to the boundary of the Auckland Oceanic FIR.

**Extent of consultation**

The international issues involved in this proposal have been addressed through established ICAO procedures for amending the Regional Air Navigation Plan and all affected States, including New Zealand, have been consulted.

On 27 November 2001 the ICAO Council approved an amendment to the ICAO Air Navigation Plan—Asia and Pacific Region (Doc 9673). This amendment changed the boundary between the Auckland Oceanic FIR and the Nadi FIR to bring the sovereign states of Samoa and Tonga within the Auckland Oceanic FIR. The amendment is also associated with the desire of Samoa and Tonga to delegate responsibility for the provision of air traffic services in the upper airspace over their territories to New Zealand.

A Notice of Proposed Rulemaking, NPRM 02-04, containing the proposed amendment to the Auckland Oceanic FIR was published for public consultation under Docket 98/CAR/1304 on 12 March 2002

The development of this NPRM included detail from the ICAO amendment to the Air Navigation Plan together with input from the CAA ATS and airspace specialists.

The publication of this NPRM was notified in the Gazette on 14 March 2002 and advertised in the daily newspapers in the five main provincial centres on 14 March 2002. 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 15 days was allowed for comment on the proposed rule

### **Summary of comments**

Two written submissions were received on the NPRM. One submission accepted the proposal without change; the other submission suggested a wording change in respect to the consequential amendment to Part 172—*Air Traffic Service Organisations—Certification* in regard to the use of the term ‘air traffic service’. These submissions have been considered and as a result the suggested wording change has been made to the Part 172 amendment. Details of these submissions are contained in the Consultation Details section accompanying amendment 1 to Part 71.

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

### **Examination of comments**

Comments may be examined by application to the Docket Clerk at Aviation House 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 revocation of the existing rules and insertion of new rules.

### **Effective date of rule**

Amendment 3 to Part 172 comes into force on 8 August 2002.

### **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 172 Amendments

### Subpart A—General

*Rule 172.1 is revoked and the following new rule inserted:*

#### **172.1 Purpose**

- (a) This Part prescribes rules governing—
- (1) the certification and operation of organisations providing an air traffic service in:
    - (i) the New Zealand Flight Information Region, prescribed in Part 71;
    - (ii) the Auckland Oceanic Flight Information Region, prescribed in Part 71; and
  - (2) the operating and technical standards for the provision of air traffic services by those organisations.
- (b) Subparts A, B, and C apply to air traffic services specified in paragraphs (1) to (6) of the definition of the term *air traffic service* in Part 1.
- (c) Subpart D and this rule apply to services considered to be air traffic services under paragraph (7) of the definition of the term *air traffic service* in Part 1.
- (d) In this Part, references to the Auckland Oceanic Flight Information Region exclude those portions of airspace within the flight information region that are designated under Part 71 as sectors where an ICAO Contracting State other than New Zealand is providing the air traffic service.

### **CONSULTATION DETAILS**

(This statement does not form part of the rules contained in Part 172. It provides details of the consultation undertaken in making the rules.)

The consultation details relating to amendment 3 to Part 172 are contained with the associated amendment 1 to Part 71. The comments and all the background material used in developing the rules are held on the docket and are available for public scrutiny. Persons wishing to view the docket should call at Aviation House, 1 Market Grove, Lower Hutt and ask for docket 98/CAR/1304.